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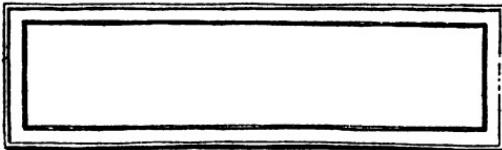
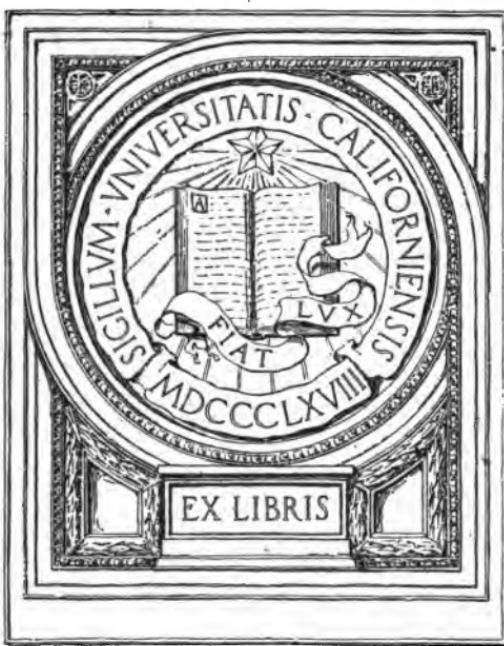
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# HAMILTON FISH

BY

A. ELWOOD CORNING

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HAMILTON FISH

# HAMILTON FISH

BY

A. ELWOOD CORNING

AUTHOR OF WILLIAM MC KINLEY, A BIOGRAPHICAL STUDY;  
WILL CARLETON, A BIOGRAPHICAL STUDY; ETC.

*With Frontispiece*



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*History Alumnus*

TO MY  
ALUMNI

BURR PRINTING HOUSE, NEW YORK

TO MY FRIEND  
**Captain Hamilton Fish, Jr.**  
THIS BRIEF MONOGRAPH  
THE WRITING OF WHICH HE MADE POSSIBLE  
IS GRATEFULLY DEDICATED  
BY THE AUTHOR



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LAW OF  
CALIFORNIA.

## INTRODUCTION

By HONORABLE JOHN BASSETT MOORE, LL.D.

*Professor of International Law and Diplomacy in Columbia  
University*

**T**HE author of the present sketch has asked me to contribute an introductory word. My interest in his subject has induced me to comply.

Upwards of forty years have elapsed since Hamilton Fish relinquished the post of Secretary of State, and, on the verge of his seventieth year, ended his public career. When drafted into the cabinet of Grant, it was twelve years since he had held public office. Prior to that interval, he had served as a member of the national House of Representatives; as Lieutenant-Governor, and then as Governor, of his native State; and as a Senator of the United States. He had neither extolled his own virtues, nor sought popular favor and admiration by rhetorical efforts. In the Congress he had made no speeches; and in the various official positions he occupied his activities, so far as they found formal expression in words, were recorded in grave State papers which comparatively few persons ever saw and still fewer cared to read.

Nevertheless, in his day and generation he enjoyed an exceptionally large measure of public confidence. As a trustee of ecclesiastical, educational, and benevolent institutions, to which, when not in public life, he gave much of his time and thought; as the associate and adviser of men of affairs and men of business, of men who desired sound

## INTRODUCTION

and stable conditions rather than opportunities for adventure, he was held, by reason of his breadth of view, sureness of judgment and practical capacity, in the highest esteem. These respect-compelling qualities he carried into public office, where, united with a keen sense of honor and strict integrity, they enabled him to advance the general welfare and to elevate the standards of service.

In the administration of the foreign affairs of his country, he achieved his greatest usefulness. He undertook the task at a critical time, when many difficult questions were pending, and when intelligence, experience and steadiness were peculiarly requisite. Some of these questions antedated the Civil War, but others were of later origin, while the most important and most menacing of all, that of the so-called Alabama Claims, arose out of that great conflict.

In the treatment of these complications, Hamilton Fish was an opportunist only in the sense that he "took occasion by the hand." His aims were clear and definite, and were steadily pursued. His prime objective was peace with reciprocal justice. In his adherence to this noble and practical ideal, he had his official chief's full and loyal support. It is true that the particular measures he recommended were not invariably those that most strongly appealed to the President; but, as events vindicated his wisdom, Grant, who was peculiarly free from vanity and egotism, deferred to his judgment and trusted him more and more.

Fortunately, he was thus enabled to complete his work. I cannot undertake now to pass it in review. But I will say that the Treaty of Washington of May 8, 1871, for the settlement of all controversies then pending with Great Britain, stands out as the most comprehensive international

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adjustment in our diplomatic annals. The Geneva Tribunal, for which it provided, still presents the high-water mark of international arbitration. As our retrospect lengthens, the more clearly do we see that the treaty of 1871 was the turning point in the relations between the two countries. Regarding it as a great historic monument, if I were asked to select, from among its conscious builders, the name most worthy to be inscribed upon it, as that of its chief designer and creator, I should not hesitate to designate the name of Hamilton Fish.

JOHN BASSETT MOORE.

*September 9, 1918.*



# HAMILTON FISH

1808—1893

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## CHAPTER I

### EARLY LIFE AND BEGINNINGS IN POLITICS

HAMILTON FISH, Governor of New York, United States Senator, and Secretary of State in the cabinet of President Grant, was born in 1808, in the first half of the first quarter of the nineteenth century, when the United States was still under the influence politically of old-world conservatism, and died in 1893, four years before the Spanish-American War, the result of which extended the nation's boundary beyond the seas and evoked a corresponding national obligation by thus placing our country among the foremost nations of the world. Between these two periods, that which preceded the opening of a distinct but crude nationality, and the closing years of an epoch which was to be followed by an era of world-encompassing influence, the career of Hamilton Fish is included. The span of his political life embraced two separate periods, though the paramount issues which arose in the second, and with which he had mainly to deal, may be said to have grown out of the first. He first entered public office in 1843, having been elected a member of the House of Representatives, in which he served during the twenty-eighth Congress. From this time until 1857 he was almost continuously in the public service. Then followed

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an intervening period of twelve years, in which he seems to have been preparing, though unconsciously, for the historic rôle he was destined to play in foreign affairs as Premier in the cabinet of President Grant; for it is the period of his Secretaryship of State, which began in 1869 and lasted until 1877, an interim of only eight years, that the most eminent political history of his life belongs. A man who never zealously sought public office, Mr. Fish therefore did not expect after his retirement from the Senate in 1857 to again be called into the public service; indeed, only the repeated importunities of General Grant, as we shall see, induced him to re-enter official life, and then only with the understanding that he would be released after a brief term of service. Only an innate sense of devotion to duty and loyalty to his chief deterred him more than once from resigning. But as his achievements in the Department of State are passed in review we shall see how complete and important they were, and how fortunate that the Government chanced to have as Secretary of State a man who was able, in an hour which nearly threatened the peace of America, to achieve the satisfactory settlement of an issue of far-reaching international significance; for to Hamilton Fish more than to any one single individual belongs the credit of having brought to an effective termination the Treaty of Washington.

Hamilton Fish was born on August 3, 1808, at No. 21 Stuyvesant street, in the city of New York. He was the third child and eldest son of Colonel Nicholas Fish, a Revolutionary officer of high repute, who had married in 1803 Miss Elizabeth Stuyvesant, daughter of Petrus Stuyvesant, a lineal descendant and heir of the landed property of the last Dutch Governor of New Amsterdam, whose régime

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covered a term of more than seventeen years. The name of Fish is of English origin. The first glimpse we get of the family is in the reign of Henry the Eighth, when one, Simon Fish, or rather Fysche, as the name was then spelled, a lawyer in Graies' Inn, London, incurred the displeasure of Cardinal Wolsey by impersonating in a tragedy that eminent prelate. The alienation was so intense, according to the legend, that Fish was compelled to live for two years out of the country. While abroad he wrote a succinct but comprehensive treatise on "The Supplication of Beggars," which so pleased "Master Fox" that he publicly commended it. It later fell under the royal eye through the efforts of Anne Boleyn; and having met with the favor of the king, the author was immediately ordered back to England, where he is said to have received kingly favors.<sup>1</sup>

Considerably more than a hundred years passes, however, before the name of Fish appears in America. In 1637, Jonathan Fish, one of three of that name—supposedly brothers—who had recently come to these shores, having lived at Lynn, Massachusetts, moved to Sandwich, on Cape Cod. In 1659 he, with other thrifty colonists, helped to found the settlement of Newtown, Long Island. For several years he served in the magistracy, and also held other official positions. His grandson, another Jonathan, who is said to have owned extensive lands in the village of Newtown, built the famous "corner house." This Jonathan Fish also held public office, being town clerk for fifteen years. He died in 1723 at the age of forty-three. After the lapse of two generations we come down to Nicholas Fish, great-grandson of Jonathan, and father of the statesman.

<sup>1</sup> *Worthies of England*, Vol. I, p. 492. London: 1811.

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Colonel Nicholas Fish seems to have been a man of considerable prominence, both socially and politically. Born in 1758, in the city of New York, he was a student of law in the office of General John Morin Scott, when he received in April, 1776, a commission of Brigade Major in General Scott's command. Having been transferred early in the war to the Continental line, he was in active service until the close of hostilities, participating in both battles of Saratoga, and commanding a corps of light infantry at the battle of Monmouth. In 1778 he was made a Division Inspector under General Steuben; and his active participation in the Yorktown campaign, which resulted in the surrender of Lord Cornwallis, was publicly referred to by General LaFayette forty-three years later when the distinguished Frenchman visited that celebrated battle-field. The occasion was of great historic interest, and the ceremonies which welcomed the old hero were very impressive. As a "civic wreath" was about to be placed upon the head of LaFayette he caught it, and holding it in his right hand touchingly responded in a few well-chosen words, in which he alluded to the gallant Hamilton, who was in command of the attack, and "to the three field officers who seconded him, Gimat, Laurens, and Fish, the only surviving one, my friend now near me." "Here," he said, turning to Colonel Fish, who stood by his side, "half of this wreath belongs to you." "No, sir," replied the Colonel, "it is all your own." "Then," said LaFayette, placing it into the Colonel's hand, "take it, and preserve it as our common property."<sup>2</sup>

In 1786 Colonel Fish was appointed Adjutant-General of the State of New York, an office he retained for many

<sup>2</sup> The Life of LaFayette, by an Officer in the Army of the Revolution, p. 482. Hartford: S. Andrus & Son, 1850.

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years; in 1794 Washington, who esteemed him as friend and comrade in arms, made him a Supervisor of the Revenue, and he was serving as Alderman of the city of New York when in April, 1809, he was nominated by the Federalists of the State as their candidate for Lieutenant-Governor, but in the election was defeated. He also was an active member of various benevolent, religious, and literary organizations, and in 1797 was elected President of the New York Society of the Cincinnati, of which he was one of the original members. "He was," wrote Mrs. Lamb, in her "*History of New York*," "a representative citizen, of elegant scholarship, refinement, and good breeding."<sup>2</sup>

Such, briefly, was the career of Colonel Nicholas Fish, the descendants of whom have made a succession of honored names to various departments of public life. He married, as we have seen, Elizabeth Stuyvesant, whose natural graces distinguished her quite as much as her birth. Her mother was Margaret Livingston, granddaughter of Robert Livingston, first Lord of Livingston Manor. The family of Livingstons were of Scotch extraction, and while not of the old world gentry, like the Stuyvesants, had, since the colonial days, been acquiring both property and position until at this time we find them at the height of their influence, both politically and socially. Thus the immediate forbears of Hamilton Fish came from English, Dutch, and Scotch blood, the coalition of which was an example of that union between different nationalities which in America has produced so happy a combination of characteristics. That firmness of will and moral stability which so greatly characterized the early Knickerbockers, of whom Irving

<sup>2</sup> *History of the City of New York*, by Mrs. Martha J. Lamb, Vol. II, p. 576.

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has so interestingly written, were qualities which came through his mother from the Stuyvesants. Perhaps no name of the colonial Dutch aristocracy is more familiarly known to the present generation than that of Peter Stuyvesant; certainly none has left on the pages of the early history of Manhattan Island a deeper impression. His immediate descendants, while by no means so conspicuous in the city's life, or indeed personally so individualistic, were the leaders of New York society for over two hundred years. Their landed property, said to have been the greatest on Manhattan Island, was handed down from generation to generation; that part known as the "Bowery" comprised their estate, and St. Mark's church, in Stuyvesant Square, was their place of worship. It was to this church, only a few hundred feet from the house in which he was born, that young Hamilton Fish was brought on his father's birthday, August 28th, of the year of his birth, to be christened. The record is still preserved in the archives of the old church, and the names of the sponsors, though slightly dimmed by age, are clearly readable.

Thus the good fortune with which Fish was blessed through life may be said to have begun with the hour of his birth. But of all gifts most to be desired, that of being born of wholesome, loving, and honorable parents is the best: this good fortune also fell to him. Of his boyhood we know but little. Youthful emotions, however, were not in those days so fruitful of expression. Children were more restrained than now; and if character and well-regulated manners grew out of so rugged a discipline, it certainly furnishes less to record. The city in which he passed his youth was rapidly becoming a democratic metropolis. The old provincial town had greatly increased in population

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since the days immediately succeeding the close of the Revolutionary War, and contained in 1808 over ninety thousand inhabitants. The houses of the opulent, usually of brick, were surrounded by beautiful grounds; and the house in which Hamilton Fish was born (21 Stuyvesant street) was particularly noted for its extensive gardens. It is still standing, and the front remains the same as originally built. In 1824 LaFayette was entertained there with lavish hospitality, and to its portals the hand of fellowship welcomed many of the honored names of that day, including Alexander Hamilton, an intimate friend of the family, and in honor of whom the son was named.

The boyhood of young Fish was spent mainly in the city of his birth, save for those summer peregrinations which the families of the well to do were in the habit of taking. His education was under the supervision of his father, with whom he seems to have been in close sympathy. He was prepared for college at the then famous school of Monsieur Bancel, "an exiled French Legitimist"; and there received a thorough knowledge of the French language which was of so great an aid in his administrative work in the Department of State over fifty years later. From Bancel's he proceeded to Columbia College in 1824, and was graduated at the head of the class of 1827. In a letter to his father LaFayette alludes to his collegiate record, and warmly congratulates Colonel Fish on his son's success.

Upon his graduation Fish turned at once to the study of the law, taking up his reading in the office of Peter A. Jay, the eldest son of the first Chief Justice of the United States Supreme Court. Three years later he was admitted to the bar; and in 1833 was made Commissioner of Deeds for the

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city of New York. At this time his law office was located at 15 Pine street, corner of Nassau. He later formed a partnership with William Beach Lawrence, a gentleman of wide acumen, who had been Secretary of the Legation at London under the ministry of Albert Gallatin. Mr. Lawrence also was the editor of Wheaton's "International Law," and this association probably led Mr. Fish to the study of Public Law which was of supreme service to him when as Secretary of State he was required to deal with questions of international scope. As a practitioner, however, he confined himself mostly to chancery and real-estate law, displaying that fidelity and promptitude which characterized all his efforts. After the death of his father in 1833, he succeeded to the management of his mother's property, and because of the duties which this involved, together with a natural interest in politics, he was compelled to give up much of the practice which even in so comparatively short a time had grown to be lucrative.

About this time (1833), the Whig party may be said to have come into existence; and Fish, like many others of old Federal antecedence, united with it. The Federal party, moreover, had practically ceased to exist by 1820, and for a time party coherence was centered almost entirely in the so-called Republican, later known by its present name, Democratic party. But the growing opposition to the Jackson administration had given rise to the creation of various political elements which ultimately united under the name of Whigs. The partial success in the State of New York of recent city charter elections, where in specific cases a majority of Whig Aldermen were chosen, had served to give the leaders of the party in the State a certain unanimity of political confidence. They determined, therefore, to

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make the gubernatorial campaign of 1834 a spirited contest. Seward and William L. Marcy were the opposing candidates, and the ability with which their respective canvasses were conducted left nothing to be desired so far as they were concerned.

It was then the custom to select candidates for the Assembly in open mass meeting. Eleven members composed the city's representation in the popular branch of the Legislature, and these were voted upon by the entire electorate of the city instead of by districts as now. On the evening of October 28th, the Whigs gathered at Masonic Hall and nominated their Assembly ticket, which included the name of Hamilton Fish. The morning *Courier* and New York *Enquirer* estimated that twelve thousand enthusiastic partisans had attended the meeting. But popular enthusiasm is sometimes a poor barometer of political strength. The campaign was hotly contested, and up to the election both parties, as usual, were confident of success. The polls opened on Monday, November 3rd, and closed on the 6th, three days then being given over to a general election. But the Whigs, as we have hinted, went down to defeat, Fish receiving over two thousand less votes than his opponent, Prosper M. Wetmore.

For the next few years Mr. Fish identified himself with various objects of a public nature, promoting the establishment in his native city of charitable institutions, public libraries, and numerous kindred organizations, to which he liberally extended financial aid. The material welfare of Columbia College, of which he presently became a trustee, and of the Protestant Episcopal Church, of which he was a member, also received his loyal support. He was much in the company of his mother's brother, Peter, who

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was the head of the family of Stuyvesants of that day, and a large share of whose wealth he inherited. From both his father and mother came separate fortunes; so that at an early age Hamilton Fish became the head of the family and a prominent figure in the New York society of the period. His punctilious habits, natural dignity, and generous disposition made him highly esteemed, while his directness of speech, good judgment, and honest motives gave him an enviable standing even among those who in every city are prone to look with disfavor upon the man who is politically ambitious.

On December 15, 1836, Hamilton Fish was married in New York city by the Rev. Francis H. Hawks, D.D., to Julia Kean, daughter of Mr. Peter Kean, of "Ursino," near Elizabeth, New Jersey. She was lineally descended from William Livingston, the first Governor of New Jersey, whose home, "Liberty Hall," later re-named "Ursino," and still standing, was one of the most prominent residences during Revolutionary days. It was erected in 1773 by William Livingston and was his home at the time he signed the Declaration of Independence. In 1774 Alexander Hamilton brought to Livingston important letters from officials of the West Indies, and upon his host's invitation made "Liberty Hall" his temporary headquarters. In April of the same year John Jay, later Chief Justice of the United States Supreme Court, was married at "Liberty Hall" to Sarah Livingston, a daughter of the owner; and from there Livingston was sent as a delegate to the first Continental Congress where, having served with distinction, he returned to become Commander-in-chief of the New Jersey Militia, and the same year Governor of the State. His power of argument and vituperation against the Tories led them to

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threaten his life, as well as the demolition of the Hall. On one occasion, when invaders attacked the place, he sought refuge in flight, and only through the ardent intercession of his daughter Kitty, in whose keeping he had placed important letters from Washington, was the Hall and its occupants saved from destruction. In 1792 the property was sold to Lord Bolingbroke, but was afterwards re-purchased by Mrs. John Kean, of South Carolina, formerly Miss Susan Livingston, granddaughter of the original owner, and grandmother of Mrs. Hamilton Fish. In honor of Mrs. John Kean's second husband, Count Julian Ursin Niemcewiz, the old Hall was changed to "Ursino," and was known as such during the girlhood of Julia Kean.

The married life of Hamilton Fish, which was terminated by the death of Mrs. Fish in 1887, was one of uninterrupted happiness. From all accounts Mrs. Fish must have been a woman of rare charm. Adam Badeau, no indiscriminate observer, speaks of her "sagacity and judgment" and says that she had "rare executive ability."<sup>4</sup> Another contemporary writes of her in this fashion: "She had an intellectual countenance, noble enough to belong to a nun," and "the mind, heart, and manners to grace the White House, and no greater compliment can be paid to an American woman."<sup>5</sup> In deference to her judgment Mr. Fish once remarked that he never took an important step without first consulting his wife. Not only was she able to enter to the fullest extent into the subjects that interested him, but presided over his home with a grace and decorum which was often the theme of comment among those with whom they were associated. Mrs. Fish also was extremely tactful in political society.

<sup>4</sup> Adam Badeau, *The Forum*, Vol. XVI, p. 291.

<sup>5</sup> *The Olivia Letters*, by Emily Edson Briggs, p. 192.

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She is said to have advised Mrs. Grant to receive the wife of a foreign diplomat who had lived with her husband before marriage, averring that international complications should not emanate from a difference of social code. During the eight years that her husband was Secretary of State Mrs. Fish never permitted a social call to go unreturned. Everyone was made to feel perfectly at ease at her drawing-room receptions, and few cabinet ladies have ever entertained more frequently or so lavishly.

Eight children were the fruit of this union. Of these five were daughters. Nicholas, the eldest son, early entered public life, as did his brother, Hamilton. The former became, in 1882, Minister to Belgium, after having held various diplomatic posts. In 1869 Hamilton became private secretary to his father, who had just been appointed Secretary of State. He later was elected to the New York Assembly, serving in all eleven terms, two of which he was Speaker. He was twice appointed by President Roosevelt Assistant Treasurer of the United States at New York, and in 1908 was elected to the Sixty-first Congress. Stuyvesant, the youngest son, rose to be President of the Illinois Central Railway, and is at present a banker in New York.

## CHAPTER II

### IN CONGRESS—STATE ELECTION OF 1846—LIEUTENANT-GOVERNOR

FOR twelve years after his unsuccessful candidacy for member of Assembly, Fish, while taking a keen interest in all political movements, was not an aspirant for public office. It is indeed doubtful whether he would have consented to stand for Congress in the fall of 1842 had it not been for the urgent solicitation of friends. But the Whigs of the sixth Congressional district of New York, then composed of the eleventh, twelfth, fifteenth, sixteenth, and seventeenth wards of the city, were in search of a man of ability in whom the electorate would have entire confidence. The district, strongly Democratic, was then represented by one John McKeon, a politician of great party popularity. The Whig leaders, and especially the friends of reform, selected Hamilton Fish as their candidate. He agreed to make the canvass, and was elected to Congress in November, 1842, by a small majority. His election, however, was considered by his friends as a personal victory, for Governor Bouck's majority over Seward, the Whig candidate, in the same district, was about twelve hundred.

The Twenty-eighth Congress convened on December 4, 1843, and on that day Fish took his seat as a member of the House of Representatives, and served throughout that Congress, the Democrats securing control of his district when he presented himself for re-election in the fall of 1844. A

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Whig majority of 19 in the preceding Congress had been converted into a Democratic majority of 61 in the twenty-eighth. Then but twenty-eight States elected Congressmen, Florida, Wisconsin, and Iowa having Territorial Delegates. The House was therefore organized by the Democrats with Mr. John W. Jones, of Virginia, as Speaker. In this Congress there were a large number of men who were well known, or who afterwards attained eminence. In the delegation from Massachusetts were John Quincy Adams, a former President of the United States, and Robert C. Winthrop, who was later to be Speaker of the House, and United States Senator. Hannibal Hamlin, later Vice-President in the first Lincoln administration, came from Maine. Among the Ohio delegation were Robert C. Schenck, afterwards Minister to the Court of St. James, and Joshua R. Giddings, who became one of the most noted anti-slavery apostles of the West. Virginia sent Henry A. Wise; Illinois, Stephen A. Douglas; Georgia, Alexander H. Stephens, who later was Vice-President of the Confederacy; while among the colleagues of Fish from New York was Preston King, who was to succeed Mr. Fish in the United States Senate.

Fish entered public life in the latter half of the Tyler administration, and just before the opening of that international disturbance which resulted in war with Mexico. It was, moreover, a period of political calm which so often precedes a storm. Only two years before the Whigs, victorious in the election of Harrison, had come into power. The President's sudden death, and the rise of John Tyler, with whom they now were in open hostility—because of his failure to approve their bank policy in which they were led to believe he favored—had created a political situation of

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which history had no precedent.<sup>1</sup> The Whigs also had suffered a diminution of membership in the lower body of the Congress at the election of 1842, and were in the minority. It was therefore not a very fortunate time to enter the House. Fish was placed at the foot of the committee on military affairs, an appointment which then afforded no opportunity for distinction. This single Congressional term, however, gave him experience, which served as sort of an apprenticeship in national politics.

In the succeeding year, after Fish retired from Congress, local issues in the State of New York were in a fluid state; they were not fixed. Party fealty was easily disrupted; sometimes from political principle, but more often through the personal ambitions of politicians, adherents of a party would divide into groups. This was the situation in the Democratic party in 1846, which may be said to have worked to the advantage of the Whigs.

This division came during the administration of Governor Silas Wright, and the two groups were known as "Barn-burners," who opposed the further spread of slavery, and "Old Hunkers," who endeavored to prevent any agitation of the subject. The Governor, it appears, had allied himself with the former group, and the breach had grown to such proportions that those belonging to the latter class strongly opposed his re-election. John Young, who aspired to succeed Wright, gained the support of this element, and

<sup>1</sup> John Tyler was the first Vice-President to succeed a President removed by death. He had formerly been a Democrat, and while he had opposed some of Jackson's measures, his advocacy of Whig principles can hardly be said to have been based on a solid foundation of conviction. Knowing his views, it has never ceased to be a mystery why the Whigs came to nominate him as their candidate for Vice-President.

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although a partisan opponent, so manipulated his candidacy that he received the nomination at the Whig convention in spite of the opposition of so strong a party leader as Thurlow Weed, who rather than vote for him left the hall of the convention after having put a substitute in his place.\*

To appease the faction in the Whig party who looked with disfavor upon the nomination of Young, and also to balance the ticket geographically, Fish, one of the younger representatives of the eastern section of the State, against his personal wishes, became the nominee for Lieutenant-Governor. But having previously denounced the principles of the anti-renters, he failed to gain their support at the election, and therefore was defeated.

The anti-renters had been acquiring considerable political influence since 1839, and although by 1846 their power was on the wane, it was sufficiently potent in some of the central counties of the State to affect the result of an election. Anti-rentism was fundamentally a social protest, having grown out of an unequal, and therefore undemocratic, social system, the inception of which, however, originated long before a republican form of government was established in America. Under the Dutch rule in New Netherland, certain families of sundry nationality were granted huge tracts of land. The heads of these families were known as "patroons"; and their descendants were still in possession of these lands after the Revolutionary War, when the laws of primogeniture were annulled. Located mostly in the settled part of the State, they were leased for specified periods to cultivators, who in place of rent agreed to pay dues and personal services, which in time came to be burdensome.

\* *The Life of Thurlow Weed*, Vol. II, p. 131.

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In point of fact such a system was not in keeping with the aims of democracy, and therefore called for concerted action;<sup>a</sup> but the fault lay in the method of procedure. While the State was remiss in not adopting at the outset measures which would have wholly removed the cause of conflict, the course of the anti-renters was not justified by defying the reign of law and order. But this they did, as we shall see. In 1839, a body of farmers, who were tenants on the estate of the late Patroon Van Rensselaer, formed an organization for the purpose of resisting the payment of rents. The movement grew apace, until it resulted in the attempt to thwart the collection of all manorial rents when these were sought by legal process. Cases of assault were not uncommon; in some instances lives were taken. Masked armed bands, obviously intended to terrify the innocent inhabitants, also were prevalent, until the lives of the sheriffs and their deputies were often in peril. So intense had become the situation in Delaware County in 1845 that Governor Wright declared the county in a state of insurrection, and appealed to the Legislature for its suppression.

But the criminal feature was not the sole aspect of the movement. Soon after its inception it took on a political cast, as already noted; and in order to gain an idea of the political significance of the issue it need only be observed that more than eighteen hundred thousand acres of land

<sup>a</sup> This Seward recognized so early as 1840, when he spoke in his annual message of such land tenures "as inconsistent with existing institutions," and "odious to those who hold under them." They were, he went on to say, "unfavorable to agricultural improvement, inconsistent with the prosperity of the districts where they exist, and opposed to sound policy and the genius of our institutions." *Messages from the Governors*, Edited by Charles Z. Lincoln, Vol. III, p. 776.

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were held under leases, and that over two hundred and sixty thousand people lived upon the lands thus held. Eventually a newspaper sympathetic to the cause was established at Albany. By 1842, and for a few years thereafter, it is said that one-eighth of the Legislature favored anti-rentism, and that the movement subsided only after a clause abolishing all feudal tenures and making unlawful the leasing of lands for agricultural purposes, was incorporated into the revised State constitution of 1846.

Other circumstances, apart from his opposition to anti-rentism, may have been instrumental in the defeat of Fish for Lieutenant-Governor. But it is hard to believe that this was so; for he had incurred the enmity of the anti-renters because he insisted in attacking their illegal practices. The charge was current, however, that certain Whig leaders were apathetic toward his candidacy, and when after the election these rumors failed to subside, Fish made a public statement which brings out very clearly his attitude in regard to the subject, at the same time leaving a favorable impression of his own disinterested public spirit. "I observe with deep regret," he said, "that, since the election, my name continues to be brought before the public, and is becoming the theme of a dissension which to me is extremely painful. During the canvass I desired to shrink from no responsibility which my position imposed upon me, and from no scrutiny which it required; but now that the canvass is over, and the result is known, I trust it may be allowed me to be left in peace."

"So far as I am personally concerned in the result of the late election, I am satisfied that my Whig friends generally, and throughout the entire State, have done their duty to the Whig party in sustaining its nominee, and that they

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have given to me an honest and cordial support, far more zealous than any merit or claim could ever have demanded. Doubtless there have been individual cases of persons who were influenced by private preferences, or other considerations, which have been paramount to the obligation of party nominations, but such cases always occur to a greater or less extent, and do not conflict with the opinion above expressed. I was the candidate of the Whig party, and cannot complain that members of a different party, possessing a distinct and independent organization, have cast their votes in favor of the candidate of their own selection.

"The loss of my election brings to me personally no regrets, but it would become the source of most poignant grief if made the subject of disagreement between any Whigs. Let me therefore entreat, for the harmony of our noble Whig party, in whose union is success, and whose success is the welfare of the State, that the loss of my election be not charged to any supposed faithlessness of friends. A glorious victory has been achieved, upon which, from the bottom of my heart, I congratulate you and every Whig in the State—but, 'We have scotch'd the snake—not kill'd it,' and may lose the fruits of our victory by dissensions among ourselves; but if, however, dissensions must be, I have to beg of my Whig friends, one and all, that I be not made the subject of disagreement."

But Fish was not to remain long out of office. Six months after the election, his late successful opponent, Addison Gardiner, was made a judge of the newly created Court of Appeals; and under an act passed in September, 1847, to fill the vacancy, Fish was elected Lieutenant-Governor on November 2nd. This office he held until elected Governor the following year.

## CHAPTER III

### GOVERNOR OF NEW YORK

WHEN the New York Whig State convention convened on September 14, 1848, at Utica, Hamilton Fish was the candidate whom the majority of the delegates favored for the gubernatorial nomination. He had been Lieutenant-Governor less than a year, but his conciliatory disposition, together with a certain firmness and moderation of speech, with which he presided over the State Senate, aided in bringing to his support men of all factions; and on the first ballot he received 76 votes. Governor Young and Joshua A. Spencer were his chief opponents in the convention, Washington Hunt, who was to be his immediate successor, having written a letter in which he declined to be a candidate. Fish's nomination was afterwards made unanimous.

The Democrats were still disunited. John A. Dix was nominated for Governor by the more progressive element of the party, who were dubbed "Barnburners." Their convention was held on the same day, and in the same city as that of the Whigs. The "Hunkers," or conservative wing of the party, placed in nomination for Governor Chancellor Reuben H. Walworth. Both opponents were men of proved ability and integrity. On the morning after the nominations, the New York *Tribune* spoke of Fish as being "Wealthy without pride, generous without ostentation, simple in manners, blameless in life, and accepting office with no other aspiration than that of making power subserve the common good of his fellow-citizens." The elec-

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tion, held on November 7th, was the first in which a Governor was elected under the third Constitution. Fish's plurality was over 218,000, Mr. Dix receiving some 3,500 anti-rent votes which were withheld from Fish because, as we have seen, he had strongly opposed anti-rentism. Fish was now forty years old, and the youngest man, except Thompkins and Seward, to become Governor of New York.

Two years later Fish was not a candidate for re-election; and the two years in which he was Governor cannot be said to have been a period of importance, so far as the history of the State was concerned. But he had hardly taken office before it was apparent that underneath his natural reserve and temperate speech there was in the new Governor deep-seated convictions upon questions then uppermost in the public thought, and a clear conception as to their final disposition. This was clearly shown in his attitude towards the question destined to become the paramount issue of the day, that of the institution of slavery. In both of his annual messages he referred to the subject, and in a manner which left no uncertainty as to his views. The most disturbing element of the slavery agitation at this time lay in the attempt on the part of the slave-holding States and their people to extend involuntary servitude into territory in which it had not hitherto existed. This naturally kindled the resentment of the people of the free States. If slavery were to be extended into territory from which it was then legally prohibited, who could foresee the result towards which such a policy would lead? While deeply cognizant of the dangers involved from a moral, social, and political point of view, the constitutional side of the controversy elicited his best thought.

He contended that "by the treaty with Mexico, the Terri-

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tories of New Mexico and California came to us free; and the laws of Mexico abolishing slavery, which were in force at the time of the cession, continue to be operative and are not affected by any transfer of sovereignty over the Territory." "The voice of the people of California," he said in extending his argument, "has thus been expressed in favor of freedom; and there is little room for doubt that New Mexico sympathizes in sentiment with California. Congress cannot, without a transgression of its constitutional powers, establish slavery within this territory; nor can it, without the violation of the principles of justice, and an utter disregard of the wishes of the people, and of the protection which it is bound to extend over the territory to which it has acquired the title, refuse admission to the new State, or countenance or sanction, in any way, the introduction of slavery within the territory. And without the sanction and the assent of Congress, these newly acquired territories are secured to freedom, and must remain as they now are, exempt from the institution of slavery."<sup>1</sup>

When Hamilton Fish was inaugurated as Governor the State had a population of less than 3,000,000 people; hence there was not that complexity of governmental machinery as exists now. In his first annual message to the Legislature he reviewed the State's financial condition, alluded with satisfaction to the increased number of children taught in the common schools over the number reported the preceding year, and praised the establishment of libraries which were maintained for the use of the public. In this connection he referred to the liberality of the late John Jacob Astor, who had recently left in his will a donation of "four

<sup>1</sup> Messages from the Governors, Edited by Charles Z. Lincoln, Vol. IV, p. 501.

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hundred thousand dollars, to the foundation and perpetual support of a library for the free use of the public;" and recommended to the Legislature to grant an act of incorporation, "to render the management of the library and its funds safe and convenient."<sup>2</sup> In the same message, among other things, the Governor advocated a gubernatorial succession bill, which suggestion, after having passed the Legislature of 1849, failed in the Assembly at the next Legislature, when a bill for its submission to the people was presented. The original suggestion of Governor Fish, however, as to adding the Speaker of the Assembly to the gubernatorial succession, was in effect embodied in the Constitution of 1894.

During his term of office, and on his recommendation, an act to establish free schools throughout the State, was adopted. An asylum and school for idiots also was established. The New York Medical College, moreover, was incorporated; as well as appropriations granted for the completion of the normal school building at Albany, and for the continuation of the Genesee Valley, and Black River canals. Governor Fish brought to the attention of the Legislature of 1850 the fact that there was no complete collection of the Colonial Laws of New York, and recommended a competent commission, to serve without remuneration, to superintend such a publication. The "permanent possession and control" of Washington's Headquarters, at Newburgh, N. Y., also was effected while Mr. Fish was Governor.

It is significant that no bill which he disapproved was ever passed over his veto; and in one of his last veto mes-

<sup>2</sup> Messages from the Governors, Edited by Charles Z. Lincoln, Vol. IV, pp. 428-29.

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sages, he took occasion to remonstrate against the large number of bills passed during the closing days of the session. Vigilant in his own exercise of public duty, he wished time to fairly consider each measure in all its ramifications; and when during the last five days of a session there were presented to him "no less than two hundred and one bills, extending over three hundred and fifty-three pages of the session laws,"<sup>3</sup> he admonished the members of the Legislature to use the utmost care in the preparation of all bills; and reminded them that the legislative and executive branches of the Government were jointly responsible. It was later contended that the Governor had power to sign bills at his leisure; the restriction of time of executive approval, however, was, in 1874, limited to thirty days after the adjournment of the Legislature.

While at the head of the State, Governor Fish came very near entering the Federal service. Three members of President Taylor's cabinet having become compromised, because of the so-called "Galphin Claim," the President determined in the winter of 1849-50 to make changes in the personnel of his official family. On the suggestion of Thurlow Weed, with whom the President counseled, Governor Fish was selected as Secretary of the Treasury,<sup>4</sup> and would have entered the new cabinet but for the untimely death of President Taylor in July, 1850.

<sup>3</sup> Messages from the Governors, Edited by Charles Z. Lincoln, Vol. IV, p. 523.

<sup>4</sup> The Life of Thurlow Weed, Vol. I, p. 591.

## CHAPTER IV

### UNITED STATES SENATOR—EUROPEAN TRAVEL—PUBLIC SERVICE DURING THE WAR

HAMILTON FISH, as already observed, was not a candidate to succeed himself as Governor. This was generally understood when the leaders of his party, with whom it may be said he was on most cordial terms, began to cast about for a gubernatorial candidate. Just before leaving Albany he sent a volume of "Literary Curiosities" to Thurlow Weed, then a great power in Whig policies, "as a very slight testimonial" of his appreciation of that gentleman's "uniform and uninterrupted kindness" which he had received "from the first moment" of his "entrance upon public duties." "I came here without claims upon your kindness," he writes in a note which accompanied the gift, "I shall leave here full of the most grateful recollections of your favors and good will."<sup>1</sup>

When the Legislature convened in January, its first important function was to elect a United States Senator to succeed Daniel S. Dickinson. Washington Hunt, the Whig candidate, had been chosen Governor by a small majority over Horatio Seymour in the preceding November. President Fillmore, having become alienated from Seward and Weed, rallied to his support those Whigs who were in sympathy with the Federal administration, and through them endeavored to gain control of the New York Whig convention which after a most exciting session finally nomi-

<sup>1</sup> The Life of Thurlow Weed, Vol. II, p. 190.

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nated Mr. Hunt. Failing in their object, the Fillmore Whigs carried their battle to the polls; but the returns of the legislative districts, though close, indicated a Seward-Weed victory.

The contest between these two factions, however, was renewed when the Legislature met in January. It now centered around Hamilton Fish, who had become the candidate of the Seward-Weed Whigs. He had a clear majority in the Assembly, but lacked one vote in the Senate, which from a party point of view belonged of right to him. The Senator who felt constrained to vote against Mr. Fish, however, was greatly concerned, it appears, over Fish's prospective attitude in regard to the stand he would take on the compromise measures as a final settlement of the slavery agitation. Henry Clay, who had been the foremost advocate of the compromise measures, and a man whom Fish had always admired, wrote a letter to the Collector of the Port of New York, in which he strongly intimated that the State Senator in question ought to withhold his vote until Mr. Fish had stated publicly his position. Hearing that such a letter had been written, and that it was being used derogatorily, the candidate wrote a spirited letter to the great Commoner, who had so imprudently been drawn into the contest, in which he said in part:

"I have desired no concealment of my opinions upon the various important measures of the last session of Congress, nor (although Mr. . . . . . his employees, and certain other disappointed aspirants for the Senatorship may affect ignorance, or may assert that my views have been withheld) has there been any concealment. It is true that since the adoption of those measures I have had no occasion for a public

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or official expression of opinion. It is neither in accordance with my habits nor my taste to protrude myself or my opinions upon the public, but I have both in conversation and in correspondence expressed my opinions very freely both upon the propriety, policy and details of several measures of the last Congress, and upon the imperative and absolute importance of the enforcement of all laws, however distasteful they may be to sectional feelings, and of the strictest regard for the supremacy of the law. . . . While the election was immediately pending I certainly did decline to be interrogated. . . . While a candidate I declined answering any. I had not offered or been instrumental in making myself a candidate for the United States Senate. I had asked no gentleman to vote for me. I held a position entirely too elevated and dignified to be the object of even securing personal interference or solicitation on the part of the candidate. Because I had no public opportunity of expressing any opinions on those questions, I would not do so on the eve of the election, lest the expression might be supposed to be directed so as to influence those who were to vote upon the question. I therefore prefer to refer all inquirers to what I had previously said and written, and let them judge me by my past action in life and by the opinions I had officially expressed upon all questions upon which it had become necessary to express opinions while I have been in any public position. . . . The State may be left with but one Senator, or, possibly, a Free-Soil Democratic Legislature may next year send one of their faith; but high as I esteem a seat in the United States Senate, I hold my own honor and character too high to attain that seat by what I should deem a sacrifice of consistency or of self-respect."

The attitude of the single Senator opposed to Mr. Fish

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continued unchanged. The deadlock lasted until March 19th, at which time two Democratic Senators, being in New York city, the Whigs passed a resolution to go into an election. After a prolonged session of fourteen hours, Hamilton Fish was declared elected. In the following December he took his seat in the Senate of the United States. The personnel of that body at this period was undergoing a change. Old figures, so long brilliant lights in the political firmament, were passing; and new ones, whose leadership had not yet been tested, had come upon the stage of political action. Of the great American triumvirate, Calhoun was dead; Clay was soon to follow; and Webster, though now in Fillmore's cabinet, outlived the great Commoner but four months. Salmon P. Chase, William H. Seward, John P. Hale, of New Hampshire; Hannibal Hamlin, of Maine; Sam Houston, of Texas; and Stephen Douglas, of Illinois, were already members of the Senate when Fish became a member of that body; while among the newcomers, who entered the Senate on the same day with Fish, were Charles Sumner and Benjamin F. Wade, of Ohio.

It was now to these "stronger bodies and fresher minds," as Webster wrote to Harvey, in September, 1850, that the mantle of authority had fallen. Yet singularly enough in the coming storm, the clouds of which were already beginning to gather, the ship of state was to be piloted by still other hands, by whose guidance peace was once again to be restored. Yet our immediate concern lies with those years which preceded the final struggle, years in which the seeds of disaster were sown, and out of which was born the travail of four years of terrible strife. During this period, the period that witnessed the fateful repeal of the Missouri Compromise; that saw the Kansas struggle; that beheld the

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passing of the Whig party, and the rise of the Republican party, Hamilton Fish was a representative in the upper House of the Congress from the State of New York.

A representative well defines his position as a Senator. He was not an orator, and therefore was not a conspicuous figure in debate during his service of six years in the Senate. It was his habit to work quietly and conscientiously in whatever sphere of activity duty called him; and in his own unobtrusive manner he labored perhaps more zealously and more effectively than many of those who spoke more and worked less. Peter Cooper well summed up his Senatorial status when he wrote in a letter urging the New York Senator's support in behalf of a certain bill, "we will find your vote, as we have always found it, on the side of justice, economy, and public virtue." That Fish differed from some of his colleagues did not make him the less cordial in his personal relations with them. This is seen, for example, in his friendship during this period with Charles Sumner, with whom he was not always in agreement on the slavery question. He took issue with Seward on the same question, and took no part in 1855 when an attempt was made to form a Republican party in New York. He regretted the continued agitation of the slavery question in the Free States, and attributed the defeat of the Republican movement of that year to the "deep-seated predominance of a strong, conservative, union-loving, anti-agitation feeling." But it may be said he was no less opposed to the further spread of slavery, and had in the previous year written to his friend, Samuel B. Ruggles, of New York, that "although the repeal of the Missouri Compromise will beyond question pass the Senate, I should never be justified were I absent from a vote. It is the most

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flagrant outrage which a dominant faction has ever yet ventured upon in this country."

It was during Mr. Fish's service in the Senate that the old Whig party ceased to exist. For over twenty years it had been the chief opponent of the Democratic party, during which time it had twice won the presidency, only to find its lease of power slip away upon the death of its chosen leaders. Now as the presidential campaign of 1856 approached, its disintegration, signs of which had begun before the campaign of 1852, was about complete. Yet there were those who still hoped that the party would not become wholly extinct; that the tranquillity of the nation would ultimately be restored; and that the party would revive, and again become a potent political organization.

Hamilton Fish was one of those who subscribed to these views, and consequently was loath to accept the changed situation. So late as September 12, 1856, in writing to his friend, James A. Hamilton, he said: "I am a Whig. I desire no additional epithet, neither National, or Union, or Conservative, or Free Soil. The term Whig implies Nationality and devotion to the Union and to the great principles of human liberty and of conservative stability. Whig principles are enduring, and not dependent upon temporary issues, or questions of political policy; they are the principles of law and order, of the rights of property and person, of personal liberty, and of social restraint, without which our republican institutions must cease to exist. I am reluctant to abandon a name which embodies such principles and which is endeared by the recollections of so many trying conflicts through which it has been borne by illustrious statesmen whose names are embalmed in the history of the country."

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Nor did he abandon the name Whig until he had exhausted every means of preserving intact the national Whig organization. But however earnest in his desire to maintain the continued existence and usefulness as he termed it of the Whig party, he came to see early in June, 1856, no prospect of the Whigs holding a national convention, because the idea having been presented to the public met with no response, "except from a few devoted friends, who remain faithful to their principles and their name." But even the beliefs of these friends were widely different. Some approved the so-called filibustering foreign policy of the Government, as well as the extreme pro-slavery doctrine of the party in power; others were diametrically opposed to the foreign policy, but were sympathetic towards the internal policy; a third class were conservative in both, but with slavery proclivities; and a fourth were strongly against both the foreign and domestic policies of the Pierce administration, and in favor of the cause of freedom, or perhaps more accurately speaking, of the non-extension of slavery.

"The occurrences of the day," Mr. Fish writes on June 13, 1856, to his friend, James A. Hamilton, "the prevalence of disorder, frequency of disturbance of the peace, outrage and brute force here, violence, usurpation and invasion in Kansas, the complications (wanton and unnecessary) of our foreign relations—all tend to fearful results, and devolve important responsibilities.

"You and I cannot agree to identify ourselves with a sectional party, and yet what prospect is there of a sound national organization with which those entertaining your opinions and mine can freely act. The Democratic party is national, in so far as that it extends across the line

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dividing free and slave States; but its platform so far as it relates to internal policy, is purely and narrowly sectional, and to my view, utterly at variance with and subversive of the true principles of the Constitution and of our form of government; while its foreign policy is that of the pirate and bandit, and invites that which if acted up to will soon produce a general war with all the world and the rest of mankind.

"The American party has an element of nationality in its character and also in its organization; but the nationality which characterizes its principles is not peculiar to it and cannot be appropriated by any party or any organization; while its creed is disfigured by intolerance, proscription and unconstitutional tests. . . . We cannot be rightly placed on that platform. Still less could we stand on the platform which the Republican party attempted to adopt last Autumn in New York and perhaps other northern States. It had not an element of nationality, but was covered all over with the wildest sectional agitation.

"These are the parties in the field. Our old Whig party is dissolved and the repeated efforts that have been made to call together its scattered numbers has thus proved so many failures and during the existing excitement will, I fear, continue to prove failures as often as repeated; for while this excitement continues there is an ever present question on which to speak is to divide, unless like the democracy we surrender the honest convictions of our heart, our education, our training, for the base consideration of the hope of place and power. The interests and sympathies of our southern Whig friends have, I fear, led them far towards the adoption of the doctrine embodied in the Democratic platform on the slavery extension ques-

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tion. We cannot adopt this doctrine, and they would not consent to say that upon the slavery question Whigs may differ.

"Unable then to reorganize our own party, we have to choose between non-action in the coming contest, and temporary co-operation with one or other of the three organized parties. . . . My general sympathies of appreciation and of locality would incline me to the Republican party, as against the Democratic, leaving the American party out of view for the present. The call for the convention in Philadelphia next week is broad and catholic; it is not addressed to the Republicans, but to all opposed to the administration, opposed to the principles of the Kansas bill and opposed to the extension of slavery into free territory. You and I are embraced in each of those divisions. If then the convention avoid sectionalism and agitation, as indicated either in the persons of their candidates or in their declarations, why may we not temporarily act with them?"

At first Mr. Fish declined to go to the convention; but Mr. Fillmore's letter of acceptance of the Know Nothing nomination caused him to reconsider the matter, and he finally decided to go to Philadelphia and urged the nomination of a conservative candidate. His first choice was John McLean, of Ohio, one of the safest and most intelligent of the more conservative leaders of the Republican party; but illness finally prevented him from attending the convention.

Writing to the same friend nearly three months later of the result of the convention, and of his own decision as to his course of action, he says: "I do not adopt their whole doctrine with all their denials and conclusions. But I am

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not disposed to criticise too severely an honest sentiment in the direction of liberty, especially when uttered in the ardor of a political strife of unusual excitement, because of some extravagant or of some illogical deductions. The general tendency of the resolutions on this point is honest and right and is consistent with a power which has been exercised by Congress and long acquiesced in and is in conformity with the opinions and the principles of Washington and Franklin, of Hamilton and Jefferson, of Henry and Jay; principles which were embodied in the ordinance of 1787 and which underlie the whole early policy of the Government.

"If these principles be sectional, what is national? The right to permit or to prohibit slavery in the Territories is a question of constitutional power, on which different opinions may be and are honestly entertained; but the assertion of the power is no more sectional than its denial and is far less so through the doctrine of recent date which a few southern politicians have engrafted upon the Democratic creed and have embodied in the Cincinnati platform.

"There are two prominent issues involved in the pending contest: First, the slavery question, not as an abstract question, but a question of right and of political power. Shall slavery be carried into territory formerly covered by the Missouri Compromise? And second, the foreign policy of the Government. Shall peace and justice, or violence and outrage be its policy? This latter issue must not be forgotten or overlooked. As there are practically two great questions involved in the contest, so is the issue of the contest practically between two candidates—Buchanan and Fremont.

"What then is our duty as Whigs? Can we support the

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Democratic candidate and perpetuate the policy which has induced the very state of political sectionalism we deplore and into which we have been plunged by the acts of the present administration? Can we adopt the Democratic platform and surrender the principles which have commended the Whig party to our reason, judgment, and affections? Can we accept the views which are likely to predominate in the management of our foreign relations; should the doctrines promulgated at Ostend be clothed with executive power and authority? For myself I must answer these questions in the negative.

"Let us turn to the other side. We find no assault upon a single Whig principle. No danger of an unsafe and belligerent foreign policy; no extreme or violent proposition in regard to slavery where it now exists; but only that resistance to its advance and spread over soil long since made free, which we have ever advocated. Again I answer for myself. In such a crisis and under such circumstances my voice must be there. I can without difficulty perceive my way clear to that point, and though a Whig, shall cast my vote for Fremont and Dayton, esteeming such a course the best and surest remedy for present evils and trusting that the time is not far distant when political organizations will again assume broader and more catholic grounds."

After his retirement from the Senate Mr. Fish left with his family for Europe. For two years he remained abroad. His daughters were placed at school in Paris, and during his stay on the continent he and Mrs. Fish extended their acquaintances among the families of many diplomats, some of whom they had known in Washington. In England they met the historian Motley, and other distinguished Americans.

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Senator Sumner, who was at this time under medical treatment in Paris, saw much of his former colleague, little anticipating that before the lapse of many years both he and Mr. Motley would no longer be on terms of intimate personal relations with Mr. Fish, with whom they were now the recipients of cordial hospitality. But social intercourse was very largely mingled with a study, through personal observation, of foreign affairs, a subject which had never failed to deeply interest him. This opportunity was of great benefit to him when later as Secretary of State he had occasion to put it to practical use.

Mr. Fish was back in the United States in time to render effective support in the Presidential campaign of 1860; and before Lincoln took office was in intimate touch with the Federal authorities in the endeavor to aid the Government in whatever way he could. His secretary was officially connected with the preparations which resulted in sending the merchant steamer, the *Star of the West*, to Charleston Harbor with supplies for the relief of Major Anderson at Fort Sumter. The manner in which the firing upon the *Star of the West* was received by General Scott is recorded in a letter written by Mr. Fish some twenty-four years later to Mr. Allibone, of New York, and now in the possession of the Hon. Victor H. Paltsits, formerly State Historian of New York, through whose courtesy the contents of that portion of the letter is here used: "I was in Washington," says Mr. Fish, "in humble efforts to aid in the emergency, then imminent. I lunched or dined almost daily with General Scott." One day while dining with General Scott and his aid, General Keyes, a telegram was handed to General Scott, who after reading it, said nothing. "I observed a deep anxiety in his countenance,"

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continues Mr. Fish, "he read it a second time and handed it across the table to General Keyes, who read it, said nothing and was handing it back to the General, who said, show it to Governor Fish. Reading it I observed the same silence which my host had observed, and was handing it back to General Scott. It announced the firing upon the *Star of the West* in Charleston Harbor. General Scott addressing me asked, 'What have you to say to that?' I replied, my further mission in Washington is useless. I return home at once; this (handing back the telegram) is WAR. With a most earnest tone the General exclaimed, 'Don't utter that word, my friend. You don't know what a horrid thing WAR is'; but I think that all three of us realized that it was then the one thing inevitable. There was no more joyous or light conversation during the remainder of our sitting that day."

Of Mr. Fish's public service during the Civil War something remains to be said. He had, as already noted, enthusiastically supported Mr. Lincoln for the presidency; but it may be said had in no way placed himself in line for political office, desiring rather to be free to aid the Government independently. During the early days of the conflict, however, we find him among those who were instrumental in the organization of the Union Defense Committee of the State of New York. William M. Evarts, Alexander T. Stewart, John Jacob Astor, William E. Dodge, and Isaac Bell were among others to whom this movement owed its rise. Mr. Fish's great influence, his wealth and ability of organization were especially of value to his associates of the committee, of which he was made chairman after the resignation of General Dix, who had taken a command in the army. Of great importance was the aid rendered to the

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Government by this committee. Thrust into hostilities without preparation, with even Northern allegiance divided, the administration had little recourse at first but to lean on loyal organizations such as this, whose effective help in the collection of funds for the raising and dispatching of troops, as well as other immediate needs, was of such a patriotic nature that it stood out as one of the great movements in the successful prosecution of the Rebellion.

In 1862, by direction of President Lincoln, Secretary of War Stanton appointed Mr. Fish and Bishop Ames as commissioners to visit the Union soldiers imprisoned at Richmond and other places for the purpose of ministering to their comforts and otherwise assist them in their needs. The Confederate Government, however, refused to receive the commissioners within their lines, but proffered the suggestion that it would be agreeable for it to enter into negotiations leading towards a general exchange of prisoners, to which the commissioners, upon a favorable reply from the authorities at Washington, agreed. Eventually an equal exchange of prisoners was effected, the terms of which continued practically unchanged for the duration of the war. With this service Mr. Fish again retires from public view, to return in four years as Secretary of State under Grant, a period of service which was not merely an epoch in his life, but in American politics.

## CHAPTER V

### SECRETARY OF STATE

FROM the evidence which has from time to time come to light it is obvious that Mr. Fish had no thought, during the campaign which resulted in the election of General Grant to the Presidency, of being offered a cabinet portfolio. Nor indeed did his taste run in this direction. Mr. J. C. Bancroft Davis has left on record the statement that it was Grant's intention at first to appoint Mr. Fish ambassador to the court of St. James, but that "circumstances induced a change of mind." Judging from the superior service Mr. Fish later rendered in the Department of State, the President could not well have chosen a worthier representative for the English mission; but Mr. Fish was not a self-seeking statesman, and under the rule of political exigency, a man of his caliber is too often set aside to give place to one with less equipment. While Mr. Fish had entertained Grant during the campaign at his home in New York, and at the close of the war had given a liberal donation towards a fund to purchase a house for the General, he was not on intimate terms with the new President; nor did Grant, when he invited him into his cabinet, as he afterwards said, fully appreciate the great ability of Mr. Fish.

But there had lately been no opportunity for Mr. Fish publicly to demonstrate his executive qualifications. His tireless work during the war was of a semi-public nature, and while resulting in great good, was not generally exploited. As Governor of New York he had displayed

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executive talent of no mean order; but some twenty years had passed since he had held that office, and his decision and foresight, then so generally recognized by his State, was now little known throughout the nation. Yet in 1869, Mr. Fish was looked upon by those with whom he came in contact as a gentleman of wide experience, in whom the capacities of the organizer were happily united with a well-balanced judgment and broad culture. As chairman of the board of trustees of Columbia College and as one of the trustees of the Astor Library he was intimately in touch with educational matters; as President-general of the Order of the Cincinnati, and as President of the New York Historical Society, he was closely associated with men who did not live wholly in the present, but took pleasure in reviewing the salient events of the past. Such was the man who after a retirement of twelve years was again to enter the public service, and to reap a fame commensurate with the greatest of our Secretaries of State.

But a word is now necessary as to how the appointment came about. Grant had been unfortunate in the selection of some of his official advisers. The well-known case of A. T. Stewart as Secretary of the Treasury need not here be reviewed. It is said that the President had chosen James F. Wilson, of Iowa, for the position of Secretary of State, but that he requested that gentleman to submit to an interim appointment for a few days only, so that the temporary appointee might go to Paris as our representative with added prestige. When Mr. Wilson was informed that Elihu B. Washburne, whom Grant had so honored, had undertaken to make appointments, when his tenure was only to be nominal, he declined to accept the appointment. It was then that the astonished President proffered the

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position to Mr. Fish, who at first declined it. Dispatching General Babcock to New York with instructions to prevail upon Mr. Fish to reconsider the matter, the President before Babcock's return sent in Mr. Fish's name to the Senate, which was immediately confirmed. Finding what President Grant had done, and not wishing to embarrass him further, Mr. Fish consented to serve with the reservation that he could "withdraw after the adjournment of Congress," a suggestion which was contained in the President's letter in which he urged Mr. Fish to reconsider the appointment.

"Very much against my own wishes, and after a very positive refusal," writes Mr. Fish to Charles Sumner under date of March 13, 1869, "I am going to Washington to undertake duties for which I have little taste and less fitness. . . . I make this sacrifice on the most earnest appeal 'not to allow another break,' etc. I hesitated long to reverse my decision; and if I was wrong in yielding, God knows that I did it reluctantly, and because the reasons presented seemed to me to affect high interests."<sup>1</sup>

The public regarded the appointment of Hamilton Fish very much as it later viewed that of his immediate successor, William M. Evarts. Both men were loyal Republicans, but in no sense wire pullers or manipulators of party policies, unfortunately too often prerequisites to political promotion. Yet there are few, if any, persons who stand for efficiency and disinterested service as the prime qualifications for public officials who would contend that either Fish or Evarts were less valuable Secretaries because they had never practised the so-called arts of the politician. In

<sup>1</sup> Memoir and Letters of Charles Sumner, by Edward L. Pierce, Vol. IV, p. 379.

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each case Presidents Grant and Hayes selected their Secretaries of State because they had discovered in them qualities which eminently fitted them for the office; and both choices were most fortunate selections.

But there were naturally some who underrated the capability of Secretary Fish, and this is pointed out to show that it either emanated from personal malice, or else from a thorough misconception of the intellectual resources which Mr. Fish really possessed. Seward, who entertained John Bigelow at his home at Auburn, soon after the appointment of Mr. Fish, is quoted as declaring that President Grant "had no idea of a foreign policy except brute force." In the same conversation Seward voiced the opinion that there were but three men of whom he knew who were qualified to hold the position of Secretary of State; namely, Charles Sumner, Charles Francis Adams, and himself; that he was the only person who was able to make an analysis of the Alabama correspondence under a year, and that he could do it in four months. "Fish," continued Seward, "will refer everything to the Attorney-General. He will do nothing himself; he cannot."<sup>2</sup> "The cabinet is not strong, but it is respectable," writes Bigelow to Huntington, March 16, 1869. "Whether it lasts or goes to pieces depends upon Grant's purpose in selecting it. If he has a policy and wanted men merely for instruments to put it into operation, it is admirably chosen. If he wants responsible ministers he has not got them. Hamilton Fish is my neighbor in the country—an amiable but heavy man, who at the bar ranked as a moderate attorney, but whose name I suspect does not appear in the books of reports once . . ."<sup>3</sup>

<sup>2</sup> Ulysses S. Grant, by Coolidge, pp. 281-282.

<sup>3</sup> Retrospections of an Active Life, Bigelow, Vol. IV, p. 263.

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Secretary Fish entered promptly upon the work of his Department, and with characteristic zeal confined himself mostly to the duties which this involved. Diligent in his own work he required his subordinates to be likewise. Yet he was not a hard taskmaster. Listening patiently to all grievances, whether supposed or real, he aimed to be perfectly impartial in his decisions. This fairness won him the confidence and loyalty of those through whom he directed the affairs of the Department, and thus his influence was felt perhaps more largely than is usually the case; for the heads of departments are generally inclined to limit their personal supervision to the more important duties of their office, leaving the details to be worked out by subordinates. Secretary Fish is said to have known every clerk personally, and to have been acquainted with their habits and abilities.

This careful scrutiny proved fortunate for those who merited promotion, when, under the efficient management of the Secretary, the Department of State was reorganized. Soon after Secretary Fish entered the cabinet he wanted to effect certain changes in his Department, but was handicapped at first, because he found the Congress apathetic to grant the desired appropriations. When this was done, however, he caused all detached and unindexed correspondence of a miscellaneous nature to be collected, classified, indexed, and bound. When completed there were over seven hundred volumes. At the same time that this work was being perfected, Mr. Fish introduced for the first time into the Department a general system of indexing, so that for years clerks have been able to locate important documents with convenience and dispatch.

We are also to credit Secretary Fish in his management of the Department of State for taking the initial steps in

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the reform of the Civil Service. Before his day consulates were accustomed to receive their appointments on the recommendation of Senators or Congressmen, without, it may be said, of especially inquiring into their knowledge of the subjects with which they would have to deal. Mr. Fish had long felt very keenly on this subject, as evidenced in one of his early letters to Charles Sumner, in which he poured forth his indignation of the type of men then being sent to represent our country at foreign courts. He never hesitated to condemn the course of a public official when he disapproved of it, merely because that course emanated from a representative of the party to which he was affiliated; and he always had adequate reason aside from party allegiance to defend his views. Thus feeling as he did in regard to the fitness of applicants for diplomatic posts, it is not surprising that Secretary Fish established a rule whereby all applicants for consulates were required to undergo an official examination. Such an innovation not only raised the tone and efficiency of the consular service, but it served to eliminate hard feelings among Congressmen and Senators when their favorites were denied appointment; for when shown the written answers they could not honestly object if their choices had failed to obtain the required standard. Of course in some cases unworthy foreign appointments were made; but it must be remembered that the appointing power rests solely with the President, with the consent of the Senate; and although Mr. Fish endeavored to correct many abuses which through custom had grown up in the Department, President Grant was not always amenable to the Secretary's suggestions.

It will be convenient in the next four chapters to digress from a strict chronological order and to follow out succes-

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sively some of the great foreign problems which arose in the Department of State during the incumbency of Secretary Fish, for they require coherency of treatment to be made comprehensible. It only remains then in this chapter to deal briefly with certain other matters which in any study of Hamilton Fish, however succinct, must not be omitted.

Of these, his position on the subject of expatriation is one of the most noteworthy, for it resulted in establishing a new canon, to use the words of another, of international law. It has, moreover, been conceded to be the correct principle in such cases, and has continued to be applied ever since Mr. Fish put it into practice. He maintained that the naturalized citizen, having renounced his native citizenship, was under the same obligation to perform the duties of citizenship in the land of his adoption as natives; and that all the powers of the Government which are extended to natives in the defense of their rights should also as fully and as vigorously be exerted in the case of those upon whom the privilege of citizenship had been conferred. But when foreign-born citizens sought naturalization solely for the purpose of exchanging nationality and eventually returning to their land, there to reside without performing the duties of citizenship in the land of their adoption, they were not worthy, nor should they receive the protection due alike to naturalized or native citizens. The Franco-German War gave Secretary Fish the opportunity of freely applying this principle of international law; and it is said that, holding such views, he never permitted a naturalized citizen to be appointed as consul in the land of his birth.

The subject of extradition also engaged the attention of Secretary Fish. In the celebrated case of Winslow, under the Webster-Ashburton treaty, he took the ground that, in

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the absence of a clear conventional prohibition, a person surrendered could be tried for an offense technically different from that for which he had been surrendered. Great Britain took exception to this position, notwithstanding that the Ashburton treaty contained no specific stipulation forbidding the trial of surrendered criminals on charges other than the offense on which extradition was obtained. The difference caused a temporary suspension of the execution of the treaty. After the lapse of some months, however, extradition between the two countries was resumed.

As Secretary of State, Mr. Fish endeavored to induce Great Britain to acquiesce in the repeal of the Clayton-Bulwer treaty, by the terms of which the two countries agreed not individually to "obtain or maintain for itself any exclusive control over the said (Panama) ship canal; nor ever erect or maintain any fortifications commanding the same, or exercise any dominion over any part of Central America." This agreement became effective in 1850, but now, for obvious reasons, the administration desired to bring about the abrogation of the treaty. It was not successful, however, nor were later administrations until Secretary Hay brought the issue to a successful termination.

During the eight years in which Mr. Fish held the State portfolio, he demonstrated in sundry ways the splendid equipment with which he was endowed to perform the duties which the great office entailed. His greatness seemed to lie in the resourcefulness of his reserve strength. Indeed, he appears never to have drained his storehouse of ways and means in the development and settlement of a foreign issue; and this reserved powerhouse, from which he was able to draw almost inexhaustibly, made him emerge victoriously, however long drawn out the controversy may

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have been. This reveals yet another side of his character as a cabinet officer; namely, patience. He never allowed himself to become perturbed, no matter how severely his feelings were strained. Even when unjustly assailed, by persons whose schemes he had thwarted, he held himself well in hand, knowing that such attacks would fall of their own weight, and that history would vindicate his course.

Secretary Fish also was blessed with the faculty of concentration, the importance and value of which are so fully appreciated by all discerning men. This power of concentration was conspicuously shown in Secretary Fish's dispatches, than which there are no more able State papers in the archives of the Government. He first gathered all fragments of information in relation to a given subject, grouped them in convenient shape, and then made use of the parts most essential to a logical and lucid unfolding of the position of his government. Thus aiming directly at the point to be reached he stated his views with force and directness. The fundamental principle upon which he worked was integrity, believing, as he did, that diplomatic intercourse ought to be characterized by honesty of purpose, clearness of perception, and fairness of method. His generalizations were comprehensive and accurate; his logic, convincing. When occasion required a vigorous statement, as in the case of the Virginius, vigorously it was made. If unforeseen events tended to excite the Department, there was found in the Secretary of State a tower of strength, a judgment that was quick to perceive the right course to be pursued.

That Hamilton Fish was the bulwark of the Grant administration is not to be denied. Such men as Hoar and Cox realized this from the beginning, and freely expressed

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their confidence in Mr. Fish's statesmanship. When the Secretary pressed Grant to accept his resignation, both Hoar and Cox urged him to remain, advice which he fortunately accepted. At the conclusion of his term of office he was almost unanimously recognized as one of the ablest statesmen of his day. Countless testimonials could be cited which would show the regard in which he was held by his contemporaries. "I esteem it one of the chief privileges of my public life," wrote Senator Anthony, "that I have known you so well, and have been admitted to a share of the confidence of one who has rendered such illustrious services to the country, to international peace, and to civilization."

Others were as profuse in their praises of his record. But no one knew better than the President how untiring had been his devotion to the public service, nor the extent of his influence, which Grant generously acknowledged after his retirement from the Presidency. "I have been probably credited," said General Grant, "with having had a variety of friends who are supposed to have influenced me more or less during my political career. The three, or I may say four, friends on whose judgment I relied with the utmost confidence were, first, and above all, Hamilton Fish, Senator Edmunds, of Vermont, Mr. Boutwell, of Massachusetts, and Admiral Ammen, of the navy. I had multitudes of other friends, of course, of whose friendship I was proud and rejoice, but when people speak of those whose counsels I sought and accepted, they were those four men whom I have mentioned, and, above all, Hamilton Fish."

## CHAPTER VI

### THE TREATY OF WASHINGTON

AT THE very inception of the Grant administration Secretary Fish was confronted with a foreign problem, the origin of which dated back to the early days of the Civil War, when Great Britain recognized, by the Queen's proclamation of May 13, 1861, the belligerency of the Confederate States. While international law justified such a course, there were circumstances that gave to the move the appearance of haste. The ultimate source of disagreement between the two nations, however, lay not so much in the fact that such a proclamation was issued, as in the failure of Great Britain to observe consistently the rules of neutrality which, by virtue of the proclamation, she was under obligation to respect. From this cause there arose the serious differences growing out of the depredations on American commerce by the *Alabama* and other Confederate cruisers fitted out in British jurisdiction.

In these days of close comradeship and manifest destiny between the United States and Great Britain, it is indeed hard to realize that during, and for some time following, our Civil War, the relations between these two great English-speaking nations were severely strained. But such is the fact. A recital here, however, is necessary only as it affects the circumstances leading up to, and culminating in, the series of negotiations with the Government of Great Britain, the fruit of which was the Treaty of Washington, and the Geneva Arbitration.

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The facts were indeed undeniable. From almost the beginning of the war, the Confederate Government utilized the waters of the Mersey, to borrow the words of the American case at Geneva, as her "dockyard and arsenal." In English shipyards vessels were built, which later escaped from her ports, and preyed on the commerce of the northern States. At first through either the inadequacy of her laws, or the neglect of her officials, the British Government refrained from interfering, in spite of repeated protests by the United States, officially made through the American minister, Charles Francis Adams. By the construction then given to the Foreign Enlistment Act of 1819, it was lawful to build a ship of war in British waters, provided it were not wholly equipped there for hostile purposes. In other words, both must be combined in order to constitute an offense. It was further stated that inasmuch as the mere building of ships was commerce carried on between British merchants and manufacturers, and representatives of the Confederate Government, it was an issue for the local authorities, not one for the Government, to explain. But whether the responsibility was shifted to other shoulders, or not, the English Government had taken her stand; for in the language of her Foreign Secretary, Lord Russell—"Her Majesty's Government entirely disclaimed all responsibility for any acts of the *Alabama*."<sup>1</sup>

In this connection, there seems to have been no disposition among British statesmen in power to recognize in the situation an obligation, because of the Queen's proclamation of neutrality, which transcended any existing Act of Parliament, and which required the Government to amend

<sup>1</sup> Russell to Adams, March 9, 1863. Geneva Arbitration: Correspondence, etc., Vol. III, p. 122.

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any statute failing to remove any cause, however remote, that tended to place the Government of Great Britain in either an unfavorable or inconsistent light. While the escape of the *Alabama* was at the time defended, Lord Russell in his "Recollections and Suggestions"<sup>2</sup> graciously enough admits the error, and lays it at his own door.

As was natural, there was great consternation among the people of the North over the loss of their commerce. But in point of fact there was little concern in England whether or not northern opinion was appeased. Indeed, the vortex of English sentiment at the outset of the war, especially in high governmental circles, with but few exceptions, was inimical to the North. Gladstone's well-remembered words that "Jefferson Davis had made an army, was making a navy, and had made a nation"; and "we may anticipate with certainty the success of the southern States so far as regard their separation from the North",<sup>3</sup> sunk deeply into the minds of the northern people, and became, with the language of other equally biased Englishmen, a source of bitterness, the extent of which was not easy to assuage.

But this spirit of antagonism was not the determining factor which led the United States to seek redress: it lay in the great loss of the North's ocean trade. So as the national and individual claims increased in number, they ultimately developed into an uncompromising legacy of the war, the settlement of which required time, the rise of extraneous events, and a leadership of no mean insight and firmness.

Before the advent of Hamilton Fish, the Department of State had endeavored to bring the controversy with Great

<sup>2</sup> Recollections and Suggestions, p. 407.

<sup>3</sup> Speech at Newcastle, October 7, 1862.

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Britain to an end. The overtures, however, failed of fruition. Because in the view of British authority England had given no cause for the United States to seek reparation, inasmuch as "no armed vessel departed during the war from a British port to cruise against the commerce of the United States";<sup>4</sup> and therefore all obligations of international law, as legally binding upon a neutral power, had been observed.

Secretary Seward, who was naturally zealous for an adjustment between the two governments to be consummated during his term of office, sought near the close of the Johnson administration to effect a settlement of the British question. In July, 1868, Charles Francis Adams was succeeded at the British court by Reverdy Johnson, of Maryland, who, backed by Seward, at once entered upon negotiations concerning the so-called *Alabama* claims. A significant feature of these negotiations was the silence in regard to Seward's former attitude, which had laid stress on the impropriety and unfriendliness of the Queen's proclamation of 1861. With this ground yielded, or more accurately speaking, ignored, the chief cause of irritation, to the minds of the officials, was removed; and thus the outlook for an agreement greatly enhanced.

Great Britain, moreover, was now anxious to come to an understanding with the United States; and for very obvious reasons. Conditions on the continent of Europe were in a liquid state; they were not fixed. Count Bismarck's policy was one which England could not ignore; nor was she now disposed to allow, if she could help it, the pre-

<sup>4</sup> Geneva Arbitration: Correspondence, etc., Vol. III, p. 625.

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edent created by the *Alabama* circumstance to be repeated by America in case of Great Britain being involved in war. Then further a new ministry had recently assumed the reins of government. Gladstone had succeeded Lord Russell as Premier; and Lord Clarendon had become Foreign Secretary. So now having by complete silence recognized Lord Stanley's argument in reference to the recognition of Confederate belligerency, in which Seward concurred, a convention was concluded on January 14, 1869, when it received the signatures of its chief sponsors, Reverdy Johnson, and Lord Clarendon, and became known as the Johnson-Clarendon Convention.

It was not received in the United States as its framers and sponsors had anticipated. A year seems to have worked a radical change in American sentiment. This was very markedly shown when the convention was first considered by the Committee on Foreign Relations of the Senate, when its entire membership went on record as opposed to its ratification; the reason being primarily because it failed to contain adequate provision for the reparation of the wrongs which the North had sustained. Then, too, sympathy for Irish home rule was at the time growing in the United States, which did not tend to abate anti-English feeling. Resentment also was felt for the manner in which Johnson had brought about the convention. Then, also, in the meantime, a presidential election had occurred; and, as Seward wrote to Johnson, "The confused light of an incoming administration was spreading itself over the country, rendering the consideration of political subjects irksome, if not inconvenient."<sup>6</sup>

<sup>6</sup> The Treaty of Washington, by C. F. Adams, p. 94.

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At the request of the President-elect, the consideration of the convention was not taken up formally by the Senate until the new administration had taken office. It was, therefore, not acted upon until early in April, 1869, when the Senate, sitting in executive session, rejected it almost unanimously. That part of the debate which was destined to evoke the most far-reaching consequence was the elaborate, and indeed extravagant speech of Senator Sumner, the chairman of the Committee on Foreign Relations, which had the convention in charge. It is very doubtful if the speech of Sumner changed many votes in the Senate, as the defeat of the convention was a foregone conclusion. It did, however, greatly tend to deter the prospects of a rapid settlement of the differences at issue. By formal vote of the Senate, the speech was allowed to be published, and so became a baleful influence in renewing negotiations. By way of impressing his hearers of the injury that England had inflicted upon the United States, Sumner attempted to state our individual and national losses. He figured that the former "due to the foraging of the *Alabama*" were \$15,000,000; while the latter, caused by the subversion of American commerce, and other expenditures pertaining thereto amounted to around \$110,000,000. But this, he added, "Is only an item in our bill."

Senator Sumner then proceeded to lay the prolongation of the war to England's door, and said that, "If the case against England is strong, and if our claims are unprecedented in magnitude, it is only because the conduct of this power at a trying period was most unfriendly, and the injurious consequences of this conduct were on a scale corresponding to the theatre of action." Submitting that the cost of the Civil War was over \$4,000,000,000, and that

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because of British intervention it was doubled in length, he figured that England was liable in money for one-half of the total war cost, or \$2,000,000,000, thus estimating our entire bill against Great Britain of about \$2,125,000,000. He followed this up by averring that "whatever may be the final settlement of these great accounts, such must be the judgment in any chancery which consults the simple equity of the case."<sup>6</sup>

It has been contended that Sumner was merely stating the extent to which England had wronged the United States by her sympathy for the Southern cause; that it was not his intention of either collecting such an enormous sum, or of bringing the country to the verge of war to enforce its payment. However this may be, he went on record at about the same time by saying that "how the case may be settled, whether by money more or less, by territorial compensation, by apology, or by an amendment of the law of nations, is still an open question; all may be combined."<sup>7</sup>

To the world at large, the vote of the Senate, and Sumner's speech could not, therefore, be very well disassociated. Yet as Secretary Fish wrote in a private letter to Mr. S. B. Ruggles, of New York,<sup>8</sup> "The fact is, many senators dissented from the (Sumner's) argument, while agreeing in the conclusion." This also was the view of Senator Edmunds, of Vermont, and others who expressed an opinion on the subject. From the first Secretary Fish was disposed to think Senator Sumner had stated his case too strongly, that the hypothesis upon which he based his con-

<sup>6</sup> Charles Sumner's Works, Vol. XIII, pp. 77, 83, 86, 90.

<sup>7</sup> Sumner to Lieber, May 30, 1869. Pierce: Sumner Vol. IV, p. 388.

<sup>8</sup> Treaty of Washington, by C. F. Adams, Appendix C, pp. 207-208.

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clusions was incapable of being defended. He had always regretted the British proclamation of May, 1861, but had contended it was "subject of complaint, only as leading to, as characterized by, and authorizing in its execution and enforcement the fitting out of the *Alabama*, etc., . . . and as leading to the moral support given in England to the Rebel cause." Other events rapidly ensued, which we will consider later, that led Secretary Fish to declare within a week of the rejection of the convention by the Senate that "Whenever negotiations are resumed, the atmosphere and the surroundings of this side of the water are more favorable to a proper solution of the question than the dinner-tables and the public banquetings of England."<sup>9</sup> So intense was the feeling on both sides that the respective governments deemed it prudent to defer, for a time at least, negotiations upon the subject.

But however tense the feeling and unopportunely the present may have been for a renewal of negotiations, much intervened, in the interim, to pave the way for a complete understanding between the two governments within a comparatively short time. At the solicitation of Sumner, J. Lothrop Motley had been appointed to the English mission, and after his confirmation had with the sanction of Secretary Fish prepared a memorandum which contained an outline upon which was to be based his instructions. It mirrored Sumner's views so clearly as to suggest that he had inspired it. The Secretary it seems laid it away in a drawer, and paid only a passing comment on it to Sumner, in which the latter "partially, if not wholly, joined";<sup>10</sup> a suggestion of the divergence of opinion between the Sec-

<sup>9</sup> Treaty of Washington, by C. F. Adams, p. 112.

<sup>10</sup> Pierce: Sumner, Vol. IV, p. 404.

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retary and the Senator concerning the concession of belligerent rights. Secretary Fish took his time in the preparation of Mr. Motley's instructions; and for very obvious reasons. Another question of foreign import was just then in abeyance; and until the administration's policy towards the Cuban Rebellion was definitely determined, Secretary Fish was inclined to move with care in regard to the English question, lest he find himself in an unexplainable position. Thus it was plain that the rule about to be applied to Great Britain in the matter of the Queen's proclamation of 1861 must not contradict a like position which the United States might think wise to take in regard to Spain. It was a wise move in statesmanship, and Secretary Fish seems to have been the guiding spirit of this policy.

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So when the final instructions to Motley were ready they contained no such phrases as a wrong "immense and infinite," or "ill-omened" and "fatal" proclamation, the very issuance of which "had opened the flood-gates to infinite woes." Instead, we find Secretary Fish, with the Cuban problem probably in mind, declaring that the President recognized "the right of every power, when a civil conflict has arisen within another State, and has attained a sufficient complexity, magnitude and completeness, to define its own relations and those of its citizens and subjects towards the parties to the conflict, so far as their rights and interests are necessarily affected by the conflict." After some well guarded expressions, the much discussed proclamation was referred to only as indicating "the beginning and the animus of that course of conduct which resulted so disastrously to the United States." The Secretary also declared that in spite of the failure of the Johnson-Clarendon Convention the Government of the United States did

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not relinquish confidence of "an early, satisfactory, and friendly settlement of the questions depending between the two governments," and expressed the hope of the President that the suspension of negotiations would be viewed by Her Majesty's Government in the same light as it was by him, "as wholly in the interest of, and solely with the view to, an early and friendly settlement."<sup>11</sup>

Sumner appears to have been contented, at least outwardly, with the instructions, though the original draft, which he succeeded in having modified, was more explicit on what one writer has called "the Proclamation Legend." The entire tenor of the document, however, was in keeping with the well-defined views of Secretary Fish, expressed in a letter to a friend, in September, 1869. "The two English-speaking progressive liberal governments of the world," he said, "should not, must not, be divided—better let this question rest for some years even (if that be necessary) than risk failure in another attempt at settlement. I do not say this because I wish to postpone a settlement—on the contrary, I should esteem it the greatest glory, and happiness of my life, if it could be settled while I remain in official position; and I should esteem it the greatest benefit to my country to bring it to an early settlement. . . . I want to have the question settled. I would not, if I could, impose any humiliating condition on Great Britain. I would not be a party to anything that proposes to threaten her. I believe that she is great enough to be just; and I trust that she is wise enough to maintain her own greatness. No greatness is inconsistent with some errors. Mr. Bright thinks she was drawn into errors—so do we. If she can be brought to think so, it will not be necessary for her to say

<sup>11</sup> Davis: Mr. Fish and the *Alabama Claims*, pp. 35, 36.

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so—at least not to say it very loudly. It may be said by a definition of what shall be Maritime International Law in the future, and a few kind words. She will want in the future what we have claimed. Thus she will be benefited—we satisfied.”<sup>12</sup>

In due course Mr. Motley proceeded to London, where with his prestige as an historian and writer he became the social lion of the day. He seems, however, to have still been under the influence of Sumner; for instead of adhering strictly to his instructions, he dwelt in his first interview with Lord Clarendon upon the Queen’s proclamation as “the fountain head of the disasters which had been caused to the American people, both individually and collectively.” When the report of this interview reached Washington the President is said to have been very angry over the failure of Motley to respect his instructions; and even told Secretary Fish to dismiss the new Minister at once, a move which the Secretary then discouraged. The alternative, however, was followed; that of relieving Mr. Motley from dealing further with the British question. The Secretary now had the matter in his own hands. This he had desired soon after the defeat of the Johnson-Clarendon Convention. The subsequent dismissal of Motley, however dramatic of itself, did not affect the substance of the negotiations with England, the renewal of which were progressing rapidly before it took place. In so succinct a monograph space will not permit of dilating in detail all the circumstances of this or other events connected with this important international controversy. Suffice it to say, however, of Motley’s removal, that it was wholly Grant’s. Secretary Fish regretted it, and for a time

<sup>12</sup> Treaty of Washington, by C. F. Adams, pp. 125-126.

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succeeded in delaying it; and when the final storm broke, the Secretary put himself on record in a letter to Motley, in which he indicated as plainly as such a correspondence permitted, how painful was the task of requesting his resignation.

But we have a bit anticipated the event: in the meantime, through the initiative of Caleb Cushing, an interview between Secretary Fish and Sir John Rose, a Scotchman by birth, then prominent in public life in Canada, was arranged. It is uncertain whether or not Rose was the authorized agent of Great Britain; but, zealous of having the two nations come to an amiable understanding in regard to the so-called British question, he suggested to Mr. Cushing, with whom he was at the time associated—the one serving as British Commissioner, the other as counsel before the joint tribunal which arbitrated the claims of the Hudson's Bay and Puget Sound companies under the treaty of 1863—, that he might be of some aid in bringing the matter to a state whereby negotiations of a new nature might be resumed. On July 9, 1869, or soon after Motley's first interview with Lord Clarendon, in which he had disparaged the prospects of a prompt settlement of the questions at issue, Secretary Fish and Sir John Rose, in the former's home in Washington considered at dinner some of the details along the lines of which an effective settlement could be consummated. Secretary Fish impressed upon his caller the necessity of "some kind expression of regret" being duly given on the part of Great Britain, owing to the course she had taken during the Civil War; and with the exchange of other views clearly in mind, Mr. Rose left almost immediately after the interview for England.

During the summer and autumn little progress towards

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a basis of agreement between the two countries was made; yet Fish and Rose kept each other advised as to current opinion in their respective countries. In one such communication Rose had written: "I have had conversations in more than one quarter—which you will readily understand without my naming them, and have conveyed MY OWN BELIEF, that a kindly word, or an expression of regret, such as would not involve an acknowledgment of wrong, was likely to be more potential than the most irrefragable reasoning on principles of international law. . . . Is your representative here [Motley] a gentleman of the most conciliatory spirit? . . . Does he not—perhaps naturally—let the fear of imitating his predecessor influence his course so as to make his initiative hardly as much characterized by consideration for the sensibilities of the people of this country, as of his own? . . . I think I understood you to say, that you thought negotiations would be more likely to be attended with satisfactory results, if they were transferred to, and were concluded at, Washington; because you could from time to time communicate confidentially with leading Senators, and know how far you could carry that body with you. . . . But again is your representative of that mind?—and how is it to be brought about? By a new, or a special envoy—as you spoke of—or quietly through Mr. Thornton?"<sup>18</sup>

Secretary Fish in reply wrote: "Your questions respecting our Minister, I fear may have been justified by some indiscretion of expression, or of manner, but I hope only indiscretions of that nature. Intimations of such had reached me. I have reason to hope that if there have been such manifestations, they may not recur. Whatever there

<sup>18</sup> Treaty of Washington, by C. F. Adams, p. 127.

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may have appeared, I cannot doubt his desire to aid in bringing the two governments into perfect accord. . . . I have the highest regard for Mr. Thornton, and find him in all my intercourse, courteous, frank, and true. A gentleman with whom I deal and treat with the most unreserved confidence. He had, however, given offense to Mr. Sumner (chairman of the Senate Committee on Foreign Relations), whose position with reference to any future negotiation you understand. I chanced to know that Mr. Sumner feels deeply aggrieved by some things which Mr. Thornton has written home, and although he would not consciously allow a personal grief of that nature to prejudice his action in an official intercourse with the representative of a State, he might unconsciously be led to criticism unfavorable to positions which would be viewed differently, if occupied by some other person. . . . I am very decidedly of opinion that whenever negotiations are to be renewed, they would be more likely to result favorably here than in London. I have so instructed Mr. Motley to say, if he be questioned on the subject."<sup>14</sup>

At the time of these letters Sumner and Fish were still on friendly terms. The latter, therefore, was particular to inform Sumner of the references to Motley's position, thinking that of course Sumner would pass the hint along to his friend at the English court; instead, he ignored it entirely. Motley's biographer, the lovable Oliver Wendell Holmes, writing after the historian's death, alludes to the then unnamed writer as "a faithless friend, a disguised enemy, a secret emissary, or an injudicious alarmist."<sup>15</sup>

For a year matters drifted; but as we shall see affairs in

<sup>14</sup> Treaty of Washington, by C. F. Adams, p. 129.

<sup>15</sup> O. W. Holmes: Memoir of John Lothrop Motley, pp. 178-179.

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America were such as to make Secretary Fish's rôle one of difficulty. The President was engrossed in his desire to annex San Domingo; and the Secretary, though not at heart in favor of the project, loyally endeavored to support the President's policy after he had once entered upon it. He also sought out Sumner and tried to persuade him to support the treaty in the Senate; the misunderstanding between Grant and Sumner in regard to this support will be discussed in a succeeding chapter. It not only resulted in a quarrel between Grant and Sumner; but later involved Fish, who had so earnestly tried to effect a working agreement between them. But other events, extraneous in their origin, now entered into the situation. Prussian troops lay encamped around Paris; France was surrounded by the enemy. There was indeed no certainty that Great Britain would not in some way become involved in the general continental storm. It behooved her then to settle all outstanding disputes, so that her slate might be clean for whatever fate might have in store.

At this turn of events, Grant, at the suggestion of his Secretary of State, inserted into his annual message of December 5, 1870, this paragraph, which was written by Secretary Fish: "I regret to say that no conclusion has been reached for the adjustment of the claims against Great Britain growing out of the course adopted by that Government during the rebellion. The cabinet of London, so far as its views have been expressed, does not appear to be willing to concede that Her Majesty's Government was guilty of any negligence, or did or permitted any act during the war by which the United States has just cause of complaint. Our firm and unalterable convictions are directly the reverse. I therefore recommend to Congress to authorize the

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appointment of a commission to take proof of the amount and the ownership of these several claims, on notice to the representative of Her Majesty at Washington, and that authority be given for the settlement of these claims by the United States, so that the Government shall have the ownership of the private claims, as well as the responsible control of all the demands against Great Britain. It cannot be necessary to add that whenever Her Majesty's Government shall entertain a desire for a full and friendly adjustment of these claims the United States will enter upon their consideration with an earnest desire for a conclusion consistent with the honor and dignity of both nations."<sup>16</sup>

How completely this "earnest desire" was fulfilled, and with what credit it redounds to the memory of Secretary Fish, we shall now see; for in truth it has become his monument; and because of it he shall live in history.

<sup>16</sup> Richardson, Messages and Papers of the Presidents, Vol. VII, p. 102.

## CHAPTER VII

### THE TREATY OF WASHINGTON—CONTINUED

GREAT BRITAIN was quick to respond to the overture of President Grant to renew negotiations. In less than five weeks from the publication of the message she had dispatched Sir John Rose to America with authority to extend to our Government friendly suggestions in regard to an early settlement of the "*Alabama Claims*." The British unofficial envoy arrived in the United States early in January, 1871, and immediately hurried on to Washington, where he dined with Secretary Fish on the evening of his arrival. The conference, prolonged into the late hours of the night, resulted in a comprehensive memorandum which, cast into proper form the following day by Mr. Rose, was received by the Secretary on January 11th.

Outwardly the coast seemed to be clear; yet in point of fact menacing features were still to be surmounted before real progress could be gained. Though Secretary Fish had expressed himself as "inspired with hope" on the receipt of the Rose memorandum, he was aware of the ability of Charles Sumner to wield formidable opposition to any plan which aimed to bring about an immediate settlement with Great Britain, provided it did not meet with his unqualified approval. Events also had occurred in the meantime which made the Secretary's position yet more difficult in so far as any personal relation with the Senator was concerned. Grant, as we already have seen, was incensed

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*split*

over Sumner's hostility to the San Domingo treaty, and partly because of it had caused Motley's removal. The Minister, deeply chagrined over the premature termination of his mission, took occasion to elaborately record the circumstances which had resulted in the dismissal, in which he "had referred to the rumor of his removal on account of Sumner's opposition to the San Domingo treaty." Already sorely tried over Motley's previous conduct which, with Sumner's treatment, had failed to appreciate the delicate situation in which the administration was placed, Fish's long restrained feelings gave vent in a letter to Mr. Moran, then acting as charge d'affaires at London, in which he said that the rumor had originated in Washington, "in a source bitterly, personally, and vindictively hostile to the President."<sup>1</sup> Critics charge that this was an unfortunate display of ill-feeling, and coming at this particular time that it tended to add fuel to the already lighted flame. The Secretary's friends say that he was most forbearing in his treatment, considering Sumner's attitude. Sumner, however, resented it as a direct attack on him, and presently broke off all social intercourse with the Secretary.

Such was the state of affairs very briefly outlined when Rose's memorandum reached Secretary Fish. Cognizant of the personal attitude of Sumner towards him, the Secretary paved the way for an interview through a mutual friend, which arranged, took place on January 15th, or some six days after Sir John Rose had reached Washington. The Rose memorandum was read to Sumner by Fish, who after its conclusion endeavored "to obtain from Sumner an expression of opinion as to the answer to be given to Rose"; this not forthcoming the Secretary then stated to Sumner

<sup>1</sup> The Treaty of Washington, by C. F. Adams, p. 171.

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that he had "come officially to him as chairman of the Senate Committee on Foreign Relations to ask his opinion and advice; that he was entitled to it, as he must give an answer." In reply Sumner said that the matter required "much reflection." Fish then requested him to consider the subject, and give an opinion within a day or so.<sup>2</sup>

Two days later, on January 17th, Sumner returned the memorandum with a note to Fish in his own handwriting, which is still extant, in which he admitted the contention of Sir John Rose that "all questions and causes of irritation between England and the United States should be removed absolutely and forever," and that "all points of difference should be considered together." But to this he added this proposition, which, so far as he was concerned, would seem to have served as an ultimatum: "The greatest trouble, if not peril, being a constant source of anxiety and disturbance, is from Fenianism, which is excited by the British flag in Canada. Therefore the withdrawal of the British flag cannot be abandoned as a condition or preliminary of such a settlement as is now proposed. To make the settlement complete, the withdrawal should be from this hemisphere including provinces and islands."<sup>3</sup>

The withdrawal of the British flag, either wholly, or in part, from the continent of North America, was not a new proposition; for the withdrawal of Great Britain from Canada had frequently been discussed during the initial stage of the negotiations. But in the light of English sentiment, repeatedly expressed, it must be viewed now, coming as it did from the chairman of the committee which would

<sup>2</sup> From the diary of Mr. Fish, extracts of which are found in *The Treaty of Washington*, by C. F. Adams, *Infra*, pp. 145-146.

<sup>3</sup> Moore: *International Arbitrations*, Vol. I, p. 525.

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have to report the treaty to the Senate, as a studied move to thwart the proposed negotiation. Secretary Fish was naturally disheartened that Sumner should have re-opened the Canadian issue after it had been dropped from consideration, partly because of Canada's unwillingness to be a party to the separation, and partly because a "large proportion of the British nation" considered with Lords Palmerston and Russell that "the retention of Canada" was "essential to the maintenance of British honor."<sup>4</sup>

But however Sumner's position may have disappointed the Secretary of State it was not allowed to stand in the way of further effort to deal rationally with the subject in hand. So accordingly on January 24th Secretary Fish laid before Sir John Rose the now historic "hemispheric flag-withdrawal memorandum," which the latter read without comment. The Secretary then told Sir John Rose that after very careful consideration the administration had concluded to proceed with the proposed negotiation; that if Great Britain should determine to send especial envoys to treat on the terms agreed upon, the administration would zealously work "to secure a favorable result, even if it involved a conflict with the chairman of the Committee on Foreign Relations in the Senate."<sup>5</sup>

This was communicated by Sir John Rose immediately to London; within a few days the Gladstone Government reached a favorable agreement, and empowered the British Minister to the United States, Sir Edward Thornton, to ~~formally~~ submit to the Hon. Hamilton Fish, the Secretary of State, a proposal for the appointment of a Joint High

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<sup>4</sup> Earl Russell: Recollections and Suggestions, p. 395.

<sup>5</sup> Moore: International Arbitrations, Vol. I, pp. 528-530.

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Commission, to consist of five persons respectively from the two governments, to sit at Washington, for the purpose of treating all questions that had arisen between the two countries respecting Great Britain's possessions on the continent of North America. In reply Secretary Fish expressed the willingness of the administration to enter upon the negotiation, provided that within the purview of the settlement the dissensions growing out of the so-called *Alabama* claims should be included; a stipulation to which the Government of Great Britain readily acceded.

As the Commissioners from the United States Grant appointed: Hamilton Fish, Secretary of State; Robert Cumming Schenck, newly appointed Envoy Extraordinary and Minister Plenipotentiary to Great Britain; Samuel Nelson, an Associate Justice of the United States Supreme Court; Ebenezer Rockwood Hoar, late Attorney-General in the Grant cabinet; and George Henry Williams, Attorney-General. The British members were: The Right Honorable George Frederick Samuel, Earl de Grey and Marquis of Ripon; the Right Honorable Sir Stafford Henry Northcote, a leader of the Conservatives in Parliament; Sir Edward Thornton, Her Majesty's Envoy Extraordinary and Minister Plenipotentiary to the United States; Sir John Alexander Macdonald, Minister of Justice and Attorney-General of Her Majesty's Dominion of Canada; and Professor Montague Bernard, Chichele Professor of International Law in the University of Oxford.

*also  
Prime Minister  
of CANADA*

These gentlemen convened as the Joint High Commission in Washington on February 27th. Mr. Fish, although he declined the post of chairman of the Commission, believing that such a form of organization would retard nego-

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tiations, guided its deliberations throughout with both energy and skill. On the 8th of May, 1871, the treaty was concluded; and on the 10th laid before the Senate.

An event had occurred in the meantime which must be recorded here if only to make the coherence of the story complete. When Secretary Fish informed Sir John Rose of the administration's determination to proceed with the proposed negotiation, he first had ascertained if he could count on a two-third vote of the Senate for confirmation. On the evening of his last interview with Senator Sumner, the Secretary called at the home of Senator Morton, and asked whether he thought that a treaty on the basis then under consideration could be ratified by the Senate against Sumner's opposition? Morton thought it could; and upon being told that Patterson had already approved, he said, "that gives a majority of the committee, and there can be no doubt of the Senate." Secretary Fish also had assurances of support from the leaders of the opposition; namely, Senators Bayard and Thurman. Thus "no precaution was neglected."

But this did not seem to be enough: Sumner was still a power. Yet there seems to have been a difference of opinion in the quintessence of the Senator's strength; some thought that his influence was the more potent over Senators; others, that it lay mainly in his ability to "stir up," in the language of Sir Stafford Northcote, "a great deal of bad feeling in the country, if he were so minded."<sup>6</sup> The latter could not be prevented; the former, however, could at least be curtailed by removing Sumner from his Senatorial chairmanship, a course which was agitated four months before it actually took place. Those who defended the

<sup>6</sup> Lang: Northcote, Vol. II, p. 23.

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action contended that both in theory and detail Sumner stood diametrically opposed to a foreign policy, pregnant with uncertainty, to which the administration was committed; that a large majority of the Senate favored this policy; that when he notified Secretary Fish in unequivocal terms the course he advocated, Sumner had put himself entirely out of harmony with his party on the one issue then uppermost in the public mind; and that so doing he had forfeited his right to be retained as chairman of the Committee on Foreign Relations when the new Congress, overwhelmingly Republican, was about to assign new committee appointments.

The other position may be summed up by a series of questions, as indeed it was by Carl Schurz.<sup>7</sup> Should a chairman of so important a committee as that on Foreign Relations of the Senate of the United States, who, not in sympathy with an administration of which he is a member, be deposed from the said chairmanship, because of his opposition to a particular treaty? Again, is it incumbent upon a chairman to support a treaty merely because the administration of which he is a member desires favorable action? If so, what becomes of the Senate as an independent factor in the treaty-making functions? Would not such a rule be wholly a misinterpretation of our constitutional plan of government? As a matter of fact no one questions the right of a single Senator to think for himself, nor to vote as his conscience may dictate. The fact that Sumner was removed before the treaty was laid before the Senate savors of Executive intermeddling, which is not

<sup>7</sup> Carl Schurz: *Speeches, Correspondence, Political Papers*, Vol. VI, p. 283.

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observing strictly to the distinctive functions of the co-ordinate branches of government.

Mr. Sumner, however, acquiesced in the provisions of the treaty, and it was duly ratified on May 24, 1871; and on July 4th proclaimed to the world. The scene now shifted to Geneva, where the Arbitrators having been named by both governments, organized the Tribunal on December 15th. The United States appointed as its Arbitrator, Charles Francis Adams; Great Britain chose Lord Chief Justice Alexander Cockburn; the King of Italy named Count Frederic Sclopis; the President of the Swiss Confederation designated Mr. Jacob Staempfli, and the Emperor of Brazil named the Baron d'Itajubá. The Assistant Secretary of State, J. C. Bancroft Davis, was the agent for the United States, while the American counsel comprised three very distinguished lawyers; namely, William M. Evarts, Caleb Cushing, and Morrison R. Waite, later Chief Justice of the United States Supreme Court. Lord Tenterden was Great Britain's agent, and Sir Roundell Palmer, the chief counsel. Upon convening the Tribunal, Count Sclopis was elected as presiding officer.

Each side immediately filed its case, after which a recess was taken to the following June, in order to give time for the contracting parties to file counter cases. The British public was soon discussing with a degree of feeling what they considered the extravagant claims of the United States. The cause of rupture came over the claims for national and indirect damages; these they averred should be withdrawn. Secretary Fish said in reply that "there must be no withdrawal of any part of the claim presented." A diplomatic discussion then followed between Lord Granville, the British Foreign Secretary, and Secretary Fish, in which the

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latter "held his ground with great courage and ability, insisting that the claims of every character should be disposed of by the Tribunal in order to remove them from the domain of further controversy, and in order to establish perfect harmony in the relations of the two countries."<sup>8</sup>

Without dilating in detail the imperilled sessions of the conference, which more than once almost resulted in final suspension of all activity towards a settlement of the questions at issue, suffice it to say that in the end through the firm and consistent course of Secretary Fish, aided by the tact and ability of Charles Francis Adams, the Government of the United States succeeded in having the subject of national and indirect claims passed upon to the satisfaction of both countries, after which a rapid progress towards a final conclusion was made. On September 9th the decision was reached; on the 14th it was proclaimed, the award being \$15,500,000 as the amount due to the United States from Great Britain for the losses sustained by the depredations of the Confederate cruisers *Florida*, *Alabama*, and *Shenandoah*. Sir Alexander Cockburn alone declined to sign the award.

Thus at the hands of an impartial Tribunal the principle of arbitration in international disputes was given a tremendous impetus; that it has not served as a binding principle for all international disputes, of whatever character, is matter for regret. Yet in the years to come may we not look forward to its re-establishment among the nations of the world, compelling them by its very nature to observe it, and by a league of nations to be protected by it.

By the Treaty of Washington and the Arbitration at

\* John W. Burgess: *Reconstruction and the Constitution*, p. 312.

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Geneva the United States and Great Britain bequeathed to the world a priceless legacy. For this, we are indebted to Hamilton Fish more than to any other person. To have been the chief designer of so momentous a piece of work in statesmanship is fame enough for any man.

## CHAPTER VIII

### THE CUBAN REBELLION

THE influence of Fish was equally dominant in the Cuban agitation, though during its initial stage his restraining guidance was of necessity concealed, and consequently the public knew little of the influence he really exerted on the administration. Previous to the advent of Grant the discontent of the Cuban people against Spanish misrule had ripened into open rebellion; and the sympathy of the American people naturally went out towards the suffering Cubans. Cognizant of this sentiment, certain Cuban promoters of the revolution, having established headquarters in the city of New York, began to enlist the aid of our Government in behalf of their cause. They soon received the support of various Government officials, chief among whom was Rawlins, Secretary of War, who immediately endeavored to induce the President to issue a proclamation extending belligerent rights to the Cubans, which would have placed our Government in a position similar to that of Great Britain and Spain when they recognized Confederate belligerency in the early days of our Civil War. Grant was inclined to accept Rawlins' point of view; and so early as June, 1869, consulted a number of public men, among whom was Sumner, as to the advisability of following such a course. Sumner opposed it, as did others with whom the President counseled. The cabinet was divided. Fish, who was already feeling his way towards reopening the Government's case in the *Alabama* claims controversy, at once perceived the inconsistency of

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even a perfunctory declaration of our grievance of the Queen's proclamation of 1861, if we were to perform a like act in regard to a body of insurgents who, as he later wrote, "have no army—no courts, do not occupy a single town, or hamlet, to say nothing of a seaport—carrying on a purely guerrilla warfare, burning estates and attacking convoys, etc.—" To his view, "Great Britain or France might just as well have recognized belligerency for the Black Hawk War."

But Rawlins was persistent; and later a story was widely circulated that he had a pecuniary interest in the success of the independence of Cuba.<sup>1</sup> Grant finally yielded, and ordered a proclamation to be drawn up. This he signed on the night of August 19th in the cabin of a Fall River boat, sending it back to Washington by the Assistant Secretary of State, Mr. J. C. Bancroft Davis, with a note to Fish, directing him to sign it, affix the official seal, and promulgate it. Secretary Fish complied with the President's orders, except as to issuing the proclamation, which he withheld, laying it safely away for further directions, which never came. In the meantime, Grant's mind was diverted towards other pursuits. His summer vacation was hardly over before he was saddened by the death of Rawlins, who died on September 6th; Wall Street's "Black Friday" followed eighteen days later. In the midst of these events the President seems to have forgotten about his proclamation. Be this as it may, it never was issued, and subsequent circumstances

<sup>1</sup> But this was untrue. In a personal letter to the author, Rawlins' biographer, General James H. Wilson, writes that General John E. Smith, who was Rawlins' executor, and had possession of and opened his effects, sent to Wilson some few years before his death an affidavit in which he declared that no such bonds were found or ever came into his possession.

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made its promulgation inadvisable. In his first annual message, in December, 1869, President Grant disavowed any design on the part of the United States "to interfere with the existing relations of Spain to her colonial possessions on this continent." But, thinking perhaps of the growing sentiment in the country in favor of belligerency, he had maintained in a preceding paragraph "that this nation is its own judge when to accord the rights of belligerency, either to a people struggling to free themselves from a government they believe to be oppressive, or to independent nations at war with each other."<sup>2</sup>

Congress had not long been in session after the Christmas recess before the subject of Cuban belligerency again was broached. Early in February, 1870, John Sherman introduced in the Senate a resolution in favor of according belligerent rights to Cuba, and made a speech in advocacy of its passage. On the 19th of the same month it appears Fish by appointment called on Sherman, and asked if he had recently examined the provisions of the treaty with Spain of 1795. Sherman replied that he was not aware of the existence of such a treaty. Fish then referred to its main provisions, especially that of the right of search, which he thought our Government would resist, the result of which probably would lead to war. The Secretary finally advised the Senator "to prepare bills for the increase of the public debt, and to meet the increased appropriation which will be necessary for the army, navy, etc."<sup>3</sup>

Time did not tend, however, to abate the increasing de-

<sup>2</sup> Richardson, *Messages and Papers of the Presidents*, Vol. VII. p. 32.

<sup>3</sup> From the diary of Mr. Fish, as recorded in Adams' *The Treaty of Washington*, p. 216.

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mand on the part of the public for recognition of belligerency; and had it not been for the controlling influence of Fish in all probability Grant would have succumbed to the pressure. Being informed that the vote in the House would be close Fish resolved again to urge the President to send a special message to Congress, setting forth the reasons why a state of belligerency was not then expedient. On the 12th of June the Secretary retired to his study and prepared such a message, which treated the entire subject exhaustively. On the 13th it was laid before the President and the Cabinet, and with but slight changes was sent by the President to Congress on the same day.

The message was received with mingled cries of approval and of disapprobation. A spirited debate ensued, with "much denunciation"; but as Fish records in his diary, "it evoked also much good sense, in the speeches of those who sustained it; an expression of good, sound international law, and of honesty of purpose." It focused, moreover, the attention of Congress on a foreign problem of grave importance, and solidified the party. Fish had triumphed; and his policy, precarious as it may have been at first of adoption, had prevailed. Hoar and Cox called it "the greatest triumph the administration had yet achieved"; and Robeson, Secretary of the Navy, added, "Yes—the first triumph." "I felt," writes Fish in his diary, "that the Cuban question was the one on which perhaps more than on any other, the sensational emotions of the party and of the country might be arrayed in opposition to what is honest and right. Believing, as I do, that the public sentiment, however much influenced by questions of sentiment, and of supposed popular impulse, is sure eventually to be just and correct, I have pressed this question in the way I have

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done, and first tried the proposed message submitted a short time since; finding the President would not adopt it, I tried the latter message, and he was induced with great hesitation, and with much reluctance to sign it, and after it was sent in he told me that he feared he had made a mistake. I never doubted the propriety of it, nor the policy of it, in the mere sense of ordinary politics."<sup>4</sup> Grant eventually came to ~~deeply~~ appreciate the manner in which his Secretary of State had handled the Cuban affair. "On two important occasions," he is recorded as having said to Fish, "your steadiness and wisdom have kept me from mistakes into which I should have fallen." One related to the non-issuance of the proclamation of Cuban belligerency; the other to the Cuban message of June 13th, which was written solely by Fish, and which caused the administration to inaugurate a fixed policy in regard to Spain and Cuba.

*split*

But the Cuban imbroglio was still to continue to perplex the administration; and Secretary Fish confronted each new complication with undaunted courage and a profound confidence in his ability to surmount it. As the desultory conflict in Cuba continued, the difficulty of handling the situation increased. But our relations with the then Spanish Republic, over which Castelar was President, were finally brought to a head and indeed clarified by an atrocious and unexpected event, which if it had been managed with less delicacy probably would have involved us in war. It gave Secretary Fish, however, an opportunity of showing in the midst of public clamor that he was a man who could not be swerved from his convictions; and history may

<sup>4</sup> From the diary of Mr. Fish, as recorded in Adams' *The Treaty of Washington*, Appendix E, pp. 219 and 220.

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rightly praise the fair and prompt course on which he based his official acts.

On October 31, 1873, while on her way from Kingston, Jamaica, to a port in Cuba a steamer called the *Virginianus*, having an American registry and flying the stars and stripes, but loaded with war material and carrying a large number of men, was sighted, pursued, and seized by a Spanish warship, and conducted to Santiago. Less than a week later fifty-three of the passengers and crew, having been condemned to death by summary court-martial, were executed under conditions, to use the words of Fish, of "peculiar brutality."

Of these eight were American citizens. There was no concealment of our feelings when the news reached America. Those who had long advocated intervention now thought the time was ripe to strike. Popular excitement everywhere prevailed; and war talk for a time superseded all other questions. Largely attended meetings of protest, non-partisan in character, were held in two of the biggest halls—Tammany and Steinway—in the city of New York on November 17th. William M. Evarts presided at the meeting at Steinway Hall, and made a thrilling address. S. S. Cox followed Evarts in an impassioned appeal. Telegrams were read from Wendell Phillips, Joel Parker, Governor of New Jersey, Henry Ward Beecher, Vice-President Henry Wilson, and others of equal prominence. "If international law does not furnish a precedent," declared Governor Ingersoll, of Connecticut, "our Government should furnish a precedent for international law."<sup>5</sup>

Thus in an hour which required poise and temperate speech there were those who would have rushed us into

<sup>5</sup> *New York Tribune*, November 18, 1873.

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war without a complete knowledge of the facts. Fish, fortunately, was cool-headed; but this did not make him less ardent in his determination to act with promptness and decision. "The capture on the high seas of a vessel bearing the American flag," he telegraphed on November 7th to General Sickles, our minister to Spain, "presents a very grave question, which will need investigation . . . and if it prove that an American citizen has been wrongfully executed, this Government will require most ample reparation." On the 12th, Secretary Fish cabled to Sickles that doubts existed as to the right of the *Virginianus* to carry the American flag, and concluded by saying that "investigation is being made." "Unless abundant reparation shall have been voluntarily tendered," he again cabled Sickles on the 14th, "you will demand the restoration of the *Virginianus* and the release and delivery to the United States of the persons captured on her who have not already been massacred, and that the flag of the United States be saluted in the port of Santiago, and the signal punishment of the officials who were concerned in the capture of the vessel and the execution of the passengers and crew. In case of refusal of satisfactory reparation within twelve days you will . . . close your legation and leave Madrid."<sup>6</sup>

In the meantime the Spanish President had expressed to Sickles his profound regret of the tragedy, and there is no reason to disbelieve his sincerity. This tended to clear the air, for it showed that the Spanish hostility towards us, which was said to have prevailed to an extraordinary degree, had been exaggerated. Sickles, another example of one untrained in diplomacy, being sent to an important mission, at times blundered. This finally led Secretary Fish to

<sup>6</sup> Foreign Relations, 1874, pp. 927, 936.

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take up the negotiations with Admiral Polo, the Spanish minister at Washington; and with the approval of President Grant they reached an agreement satisfactory to both nations. Spain was to deliver up the *Virginius*, and her survivors to our Government; give ample indemnity to the families of those Americans who had been executed, and salute the American flag. On December 16th, the *Virginius* was turned over to the American authorities at Bahia Honda, but as she was proceeding to New York, sank in a storm off Cape Fear; the survivors, however, were picked up and reached New York safely. The indemnity for the benefit of the sufferers, and for the families of those who were so unlawfully executed, was ultimately secured. But the Attorney-General, having come to the conclusion that the *Virginius* was not entitled to carry our flag or to have an American registry at the time of her capture, a salute was not required.

## CHAPTER IX

### RELATIONS WITH SAN DOMINGO—THE CURRENCY VETO

**S**ECRETARY FISH had been unhampered, as we have seen, in his conduct of the Cuban problem; but Grant was less pliable when his views in regard to San Domingo were opposed. Soldier-like he sought to discipline those who looked with disfavor upon his project of annexation; and when without deference to legality or precedent, he attempted to exert all the power at his command to further his designs, a situation arose which caused not only a serious breach in the ranks of his own party, but a considerable lowering of the prestige of his administration.

It is not certain just when Grant began to take an interest in San Domingo; he may have kept his personal views in regard to the subject at first somewhat concealed. Yet it had been discussed freely around the cabinet table; but as one member wrote years later, "there was a general acquiescence in the opinion of Mr. Fish that a cordially friendly attitude to the actual government in San Domingo, with decided discouragement to all intervention and filibustering, should be our policy."<sup>1</sup> Grant, however, was hardly seated in the presidential chair before a representative of the Baez government urged upon him intervention. Nor was this the first time that Baez had attempted to seek the aid of our Government, for he had not permitted Johnson to be unmindful of his wishes. Baez's reasons in making overtures to both Johnson and Grant of course were

<sup>1</sup> Cox: How Judge Hoar Ceased to be Attorney-General. *Atlantic Monthly* (Aug., 1895), Vol. LXXVI, p. 165.

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obvious. The stability of his government was uncertain: his rival, Cabral, whom he had only lately succeeded, was on the Haytian frontier, waiting an opportunity to regain his lost domain. That his country was in a ferment of revolution only intensified his ardor. If he could not rule supreme, his vehement foe must not rule at all.

If Grant erred in judgment, it must be forgiven in the general disinterestedness of his motives, however his methods of procedure were open to criticism. To him the possession of San Domingo would mean a refuge for the negroes of the South; it would also extend our national area, and thus increase our natural resources. At the time he thought that certain European powers had their eyes on San Domingo, and he wished to maintain the doctrine that no territory on this continent should be acquired by a European power.

But the honest purposes of Grant did not deter a majority of his associates in the Government from looking at the matter differently. It was urged against the annexation scheme that by it our strictly continental entirety would be broken, and that foreign territory would involve us in extraneous complications. Others were of opinion that our own negro race presented a problem of sufficient magnitude without assuming the government of still another colored population; that indeed it was unjust to the race of which they were a part to take from the Dominican people their territory over which they were entitled to work out for themselves the problem of self-government. Still other objections, of more or less weight, were advanced; but without, it may be said, resulting in changing the views of the President.

Early in May, 1869, President Grant suggested to his cabinet that inasmuch as the Navy authorities were desirous

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of having the Bay of Samana as a coaling station, he would dispatch General Orville E. Babcock to San Domingo to investigate as an engineer the natural resources of the country, and report on the subject. The original instructions, as signed by Secretary Fish, limited Babcock's trip to one simply of inquiry. Whether Grant privately supplemented these instructions is not known; that he approved of Babcock's entire course is evident by a letter to Senator Nye, which appeared in the Washington *Republican* of December 23, 1870, and which closed with these words: "General Babcock's conduct merits my entire approval." When the general tenor of this conduct is considered it becomes the more amazing. On September 4, as an "Aide-de-camp to his Excellency, Ulysses S. Grant, President of the United States," a title which Babcock assumed apparently of his own accord in the negotiations, he induced the Dominican officials to sign a treaty which provided for the annexation of their country to the United States, and for the payment of \$1,500,000 by the United States for the extinguishment of the Dominican debt. The protocol also contained a stipulation to the effect that the President would use privately his influence to persuade members of the Senate to ratify the treaty.

Before Babcock left for San Domingo, however, an incident occurred which clearly demonstrated that the confidential aspect of the mission was not being properly guarded, and that the Department of State was being compromised. The President informed the members of the cabinet one day that the merchants of New York who had extensive trade interests in the island had offered to Babcock a complimentary passage on one of their vessels. With unconcealed surprise Secretary Fish declared "that it

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seemed to him very undesirable that General Babcock should be the guest of merchants having great trading interests in San Domingo, whilst he was upon a confidential investigation for the President.”<sup>2</sup> Grant, catching Fish’s idea, assented, and said that as the navy was about to send vessels down to join the West India squadron, he would direct that Babcock be furnished with transportation upon one of them.

Presently Babcock returned, bringing with him a treaty of annexation, as above stated. “What do you think?” declared Secretary Fish to Secretary of the Interior Cox, with great astonishment, “Babcock is back, and has actually brought a treaty for the cession of San Domingo; yet I pledge you my word he had no more diplomatic authority than any other casual visitor to that island!”<sup>3</sup> Mr. Fish’s position was one of embarrassment, but he was disposed to let the matter pass as a State secret, little dreaming at this juncture that the President would defend the action of Babcock. At the next cabinet meeting, instead of taking up the work of each department as usual, Grant it seems led off by saying: “Babcock has returned, as you see, and has brought a treaty of annexation. I suppose it is not formal, as he had no diplomatic powers; but we can easily cure that. We can send back the treaty, and have Perry, the consular agent, sign it; and as he is an officer of the State Department it would make it all right.”<sup>4</sup>

Grant’s advisers were nonplussed. After a painful silence of some few minutes, Cox it appears volunteered the in-

<sup>2</sup> Cox: How Judge Hoar Ceased to be Attorney-General, *Atlantic Monthly* (Aug., 1895), Vol. LXXVI, p. 166.

<sup>3</sup> Ib., p. 166.

<sup>4</sup> Ib., pp. 166, 167.

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quiry, "But Mr. President, has it been settled, then, that we want to annex San Domingo?" Grant, evidently embarrassed, "smoked hard at his cigar"; and, turning to Fish, on his right, as if to shift the answer to the head of the Department to which the subject by right belonged, found the eyes of the Secretary intent "on the portfolio before him."<sup>5</sup> No one ventured to speak further on the subject, nor was it ever again discussed by the cabinet.

But Fish, who had all along treated the question of annexation only as current gossip, now found himself in a most unfortunate position. Not only had the prerogatives of his office been overlooked, but his personal sincerity would be called in question; for under the circumstances he could not divulge the manner in which the Department of State had been disregarded; and yet he had assured Sumner and others that the annexation issue was but idle talk, of which there was absolutely no foundation in fact. There was but one thing for him to do, tender his resignation, which he did. To this Grant would not listen; and after much persuasion, coupled with much outside pressure, Fish consented to postpone his resignation, but only because the paramount sense of duty towards the consummation of another problem, of greater importance, overcame his natural predisposition.

The treaty, having been signed and transmitted to the Senate for ratification early in December, remained in the possession of that body until its final rejection in the following June. During this interval, Grant, as Babcock had promised, exerted his personal influence in behalf of its ratification. He elicited the aid of his cabinet, summoned

<sup>5</sup> Cox: How Judge Hoar Ceased to be Attorney-General, *Atlantic Monthly* (Aug., 1895), Vol. LXXVI, p. 167.

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Senators to the White House, and there endeavored to have them commit themselves in favor of ratification. "The headquarters of this activity," says Cox "were in the private secretary's office at the Executive Mansion. Papers and files from the State Department were sent for and retained without even the formality of using the President's name and authority, so that Mr. Fish was obliged to protest against the irregularity, and demand that it be stopped. He was ready, he said, to attend the President with any papers in his department at any time, but he could not permit their custody to be transferred to any other place."<sup>6</sup>

But the precipitancy of the President, and the methods of his subordinates, created an insuperable barrier by arousing the sensibilities and apprehensions of certain Senators, chief of whom was Charles Sumner, chairman of the Committee on Foreign Relations. This was unfortunate, not that Sumner's opposition alone defeated the ratification of the treaty; any more than that a less vigorous intervention on the part of the President would have led Sumner to favor the treaty, for we believe that other reasons were more potent in determining his course than the mere fact of his antipathy towards Grant. Yet one more gifted in the art of political strategy than Grant proved to be might have won rather than alienated those whose support he needed.

But Grant belonged by birth and temperament to a section of our country noted for a type of rugged and independent manhood. The texture of his mind disqualified him from perceiving any other point of view than that to which he had directed his thought; and his want of tact may also be said to have minimized the effectiveness of his

<sup>6</sup> Cox: How Judge Hoar Ceased to be Attorney-General, *Atlantic Monthly* (Aug., 1895), Vol. LXXVI, p. 168.

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political leadership. But from his previous career one could hardly expect him to have been otherwise. Too long had he been surrounded with camp etiquette to be the discreet and subtle harmonizer of the intricacies of statescraft. He chafed under opposition, and at times was impetuous and sardonic; yet to one who took the trouble to understand him Grant was in the words of Fish "a very true man, and warm friend—accustomed to deal with men of more frankness and sincerity, and loyalty to a cause, than many of those whom the business of Washington attracts hither."<sup>7</sup>

The narrative of the San Domingo controversy during the period the treaty was before the Senate, and later when the subject was renewed, is an interesting bit of political history, but would far exceed the scope of this study. But knowing the temperamental differences between Grant and Sumner a clash between two such positive forces was inevitable. But it may be said, however, that before the Massachusetts Senator had become an element of discord, Grant pursued a most deferential attitude in his zeal to gain the support of Sumner, as evidenced by his call early in January at the Senator's home. That Grant assumed more in the way of aid than Sumner's answer implied must be attributed to a misunderstanding on the part of the President. Simmered down to a final analysis Grant was not skillful in dealing with men whom he could not dominate. Fish remains one of the few exceptions. He was as little like Grant as Sumner. But Fish succeeded where Sumner failed in that he knew how to handle the President. At the outset he was no more in sympathy with

<sup>7</sup> From Mr. Fish's diary, Adams: The Treaty of Washington, p. 247.

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the project of annexing San Domingo than Sumner, yet when it had been made an issue by the administration, the Secretary did what he could to sustain it. As a loyal cabinet officer he could have done no less. Sumner might have opposed the treaty and yet remained a friend of Grant, as did others who were equally as hostile to ratification. But Sumner thought Fish ought to resign. We know now that the Secretary would have welcomed retirement, and that more than once he actually asked to be relieved of his official duties which had become irksome. That patriotic reasons solely deterred him from taking the final step may now with certitude be affirmed; for between him and the President there had come to be an understanding that the Secretary should have full authority in the conduct of all other business of his Department. Thus Fish became the bulwark of the administration, and the oracle through whom great diplomatic victories were won.

Another issue of paramount importance with which Grant had to deal, and in which the influence of Fish was felt, was on the question of the currency. Of domestic problems at the close of the war, second only to reconstruction, lay the adjustment of the nation's finances. The war had lasted four years; and a national debt of nearly three billions of dollars had accumulated. To liquidate this debt, so as to make the process of funding easier; to regulate taxation in conformity of the debt policy; and to restore the old standard of value to a specie basis, were the immediate problems which confronted the Government. Without going into the history of the Currency question during the Johnson administration, it may be said that before Grant came into office a long period of financial controversy, in which diversity of opinion was almost as

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voluminous as the leaves in the Vallombrosan Vale, had engaged the attention of Congress.

Meanwhile, public opinion had become imbued with the proposition of funding the debt in greenbacks. The arguments in favor of such a policy were indeed numerous. It was contended, for example, to be unfair to pay bond-holders in coin, when other creditors received depreciated paper; and that inasmuch as there was not explicit provision of the law under which they were issued, except as to interest, the Government was not compelled to redeem the bonds in coin. These arguments, whatever may now be thought of their worth, appealed with irresistible force to many of our statesmen, for whom the retention of power, or the obtainment of it, seem to have been the only consideration. Both parties were affected by this financial heresy. Though it was denounced in the Republican national platform of 1868, certain Republican leaders, among whom were Sherman, Butler, and Morton of Indiana, favored it. Several Republican State conventions of the West, moreover, endorsed the proposition. Even Andrew Johnson, then seeking a presidential nomination, succumbed to the fallacious teachings of the Greenback movement. The payment of the bonds in greenbacks, instead of by coin, was incorporated into the national platform of the Democratic party in 1868, though its presidential candidate, Horatio Seymour, did not approve of that particular plank.

But when Grant entered upon his presidency, the Republicans in Congress at once endeavored to redeem their campaign pledges in regard to the currency. The President called an extra session of the Congress, and on March 18, 1869, the celebrated "Act to Strengthen the Public Credit"

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became law. It solemnly pledged the faith of the nation to the payment in coin, or its equivalent, of all obligations of the United States, except when other provision was plainly stipulated in the law by which the issue was authorized.

During the next few years the country's economic condition passed through every stage of fluctuation known to the financial world. The climax was reached with the country-wide panic of 1873, which with other causes, moved Congress to action. At this juncture a still further issue of paper money was deemed necessary. To meet this demand an inflation bill received the sanction of both Houses of the Congress, in spite of the strenuous protests of the sound money men, and early in April, 1874, reached the President. Grant was in a dilemma; great pressure was brought to bear on him to sign the bill. Some of his chief supporters, such as Logan and Morton, men in whom the President had great confidence, had been most urgent in their advocacy of the bill; and now they sought to persuade Grant to approve it. It has also been maintained by one in close touch with the situation that all but two members of the Cabinet were in favor of the bill; the two who opposed the measure were Secretary of State Fish and Postmaster-General Creswell.

At first President Grant decided to sign the bill, and went so far as to prepare a message in which he set forth his reasons for approving the measure. After thinking over the question more carefully he became undecided as to the proper cause to pursue. He then called in Secretary Fish, who very candidly and fully gave his reasons why the bill should be vetoed. More than one conference on the subject was held between the President and his Secretary of State. On April 21st, Grant stated to his Cabinet his final

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conclusion, and read the veto message, which was sent to Congress on the following day.

That body hardly anticipated the result; for it had been led to believe that Grant was not opposed to a slight inflation; and some of his past acts served to confirm this belief. Under the circumstances, however, the veto was a very creditable act. "For twenty years," wrote Garfield, "no President has had an opportunity to do the country so much service by a veto message as Grant has and he has met the issue manfully." Historians also are agreed that it is one of the worthiest single deeds of Grant's executive achievements. But due credit must be given to the potent arguments of at least two advisers, who saw clearly, and reasoned logically. One of these was Senator John P. Jones, of Nevada, whose financial opinions carried great weight with President Grant; the other Hamilton Fish, whose "position and reasons," declares George F. Edmunds, former United States Senator from Vermont, "were more influential than those of any other man in inducing the President to take the course he did on that occasion."<sup>8</sup>

<sup>8</sup> George F. Edmunds, Memorial Address Before the Legislature of New York, April 5, 1894, pp. 55, 56.

## CHAPTER X

### IN RETIREMENT—MAN AND STATESMAN

AS THE presidential term of General Grant came to a close, the President naturally took an interest in the approaching election, and in the choice of his successor. It was no secret among his intimate friends that he would have been pleased, not alone because of his fitness, but as an endorsement of the administration, to have had Secretary of State Fish fall heir to his mantle. The vehement cohorts of Blaine and of Conkling presaged a struggle the intensity and bitterness of which were destined to result in the selection of a candidate not affiliated with either camp of these two political chieftains. This Grant apprehended; and desiring that the Republican party should select from its best timber, he wrote a letter to be read to the convention when it should appear certain that neither Blaine nor Conkling could win, and when the time was propitious for the mention of another candidate, in which he advised the nomination of Hamilton Fish.

The letter, however, was never read, and Mr. Fish knew nothing of its existence until long afterwards. It may also be observed in this connection that President Grant was not the only one to suggest the nomination of Secretary Fish. A day or more before the Republican convention of 1876 convened, Tom Nast published a front-page caricature in a New York newspaper in which he was represented as suggesting Fish and Hayes as a winning ticket. The next week in another caricature the cartoonist congratulated himself

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upon the partial success of his suggestion. When this second picture was shown to Mr. Fish he is said to have remarked: "Well, I'm glad Nast had to scratch me off. I've got enough of politics."

And this was said with perfect sincerity; for Mr. Fish had long looked forward to the time when he could retire and spend the remainder of his days in the seclusion of his family and friends. He had now reached a time of life when the joy of freedom and the peace of mind, which comes to those who after an eventful life lay off the cares of official duties, was welcome. His health at this time was on the whole good, though frequently, as much as eight years before his death, he writes in a private letter, that he suffered from "painful neuralgia troubles, to which I am subject," and which "so often interrupt me in the midst of whatever I may have on hand" and which "leave me unfit for any effort."

For sixteen years Secretary Fish lived in retirement, enjoying the memories of great things accomplished; and thus surrounded by the esteem of friends, and the affection of his family; with children of the third and fourth generation gathered around his hearth stone; venerated by his countrymen; and secure of lasting remembrance, he passed his evening of life.

There is not much more to relate. The end came quite suddenly. On the evening of September 6, 1893, Mr. Fish felt as well as usual, and had enjoyed before retiring a game of cards with his daughter, Mrs. Benjamin. He seemed cheerful when he bade her good night. But the following morning, soon after arising, and while sitting in his chair, he passed quietly away, Mrs. Benjamin being the only member of the family present when the end came. He

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was eighty-four years old, and death was attributed to old age. He rests in the cemetery of St. Philip's church in the Highlands, where other members of his family are interred.

Here the distinguished statesman lies not far from his beautiful home at Garrison, which skirts the waters of the majestic Hudson, on whose banks, like Irving, he was wont to personally supervise the affairs of his large estate, and while away many a quiet hour. Opposite, to the right, may be seen the Government buildings at West Point, as they stand out abruptly against the rugged cliffs of rock, for which the Highlands of the Hudson are famed; still farther up the river stands Storm King mountain like some sentinel guarding the peaceful villages over which her shadows fall.

In such a setting the life of Hamilton Fish passed out; and no more beautiful location could have been selected by the aged statesman in which to pass the remainder of his days. Actuated by the purest motives, and the innate desire to serve his fellowmen, Hamilton Fish entered upon one of the most precarious of careers with faith in his own rectitude, and desired no other emolument save the satisfaction of adding another name to those who have served mankind for the love of service. Free from cant or those petty jealousies and prejudices which so often drag the reputations of statesmen down to the level of politicians, in the worse sense of that term, Mr. Fish used the language and practised the manners of a gentleman. The patience and fidelity he displayed were not less conspicuous than the inflexibility of will with which he served the interests of his country, for above all he was a patriot "in whose honor and integrity," to use the words of another, "there has never been found a flaw."

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He belonged, moreover, to a type of American gentleman long since passed on. The type of whom Calhoun and Benton, Webster and Clay, were among the most conspicuous representatives. Stately in appearance; courteous of bearing; conservative in thought; slow to anger; of pleasing personality, he could when occasion required leave no uncertainty as to where he stood. Mr. Charles Francis Adams, in a letter to Carl Schurz, observes that Mr. Fish possessed in his make up "a good deal of that Dutch element;" that he was "a quiet and easy-going man; but, when aroused, by being, as he thought, 'put upon,' he became very formidable. Neither was it possible to placate him."

His letters, however, show him to have been a man just in his estimate of men; not caring for the plaudits of the crowd, yet appreciating kindly references of his efforts; shrinking from undue publicity, but at the same time ever ready to stand without reservation for any idea the principle of which he conceived to be right. The precepts to which he clung in private life, he also carried with him into public station. Generosity, fairness in dealing with an opponent, and steadfast fidelity were practised as conscientiously in his public career, as they were in private life.

These qualities were in the man; and while used to the luxuries of life he was as much averse to the snobbishness and dehumanizing tendency of class hatred as any son who springs from a less lavish environment: Mr. Fish believed in the dignity of labor, whether of the brain or of the muscle, when conducted wholesomely; and he conceived it to be his duty as a public servant to ignore all superficial distinctions which had no bearing on the ability, the character, or the usefulness of the man whom he was to appoint. And he was the greater for this catholicity of selection.

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The opportunity for the performance of great public service came to Mr. Fish late in life, but this very fact perhaps was of greater benefit to his country than if he had not possessed the experience and poise, the well-trained mind, and painstaking characteristic, which was so essential in dealing with so fateful a chapter of our international history as the events leading up to and culminating in the Treaty of Washington. Nor has history lost sight of these qualifications, with which Mr. Fish was so splendidly endowed. Indeed they have drawn from one of his successors the tribute, we think justly bestowed, that Mr. Fish "was one of the most useful secretaries who ever administered the affairs of the Department of State."<sup>1</sup>

The wide influence of Secretary Fish with members of Congress also made him an invaluable asset to the administration of President Grant, and although he had his share of criticism, he commanded men's confidence and respect by his firmness, candor, and justice. He was genial, and his wide range of reading, especially along historical and political lines, made him an interesting host. Thus among our Secretaries of State his name will take rank with the greatest who have filled that office; and history when she comes to record a final judgment will also place the name of Hamilton Fish among those who by their character have elevated the public service. And no greater tribute can be paid to the memory of those who have not labored in vain to make of our country a land of freedom and of opportunity.

<sup>1</sup> A Century of American Diplomacy, by John W. Foster, p. 436.











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